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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

CITY OF GREENVILLE, ILLINOIS,
et al.,

Plaintiffs,

vs.

SYNGENTA CROP PROTECTION, INC.,
et al.,

Defendants.

Case No.
10-cv-188-JPG-PMF

C O N F I D E N T I A L

VIDEOTAPED DEPOSITION OF VERNON RICHARD HAWKINS

VOLUME I

Tuesday, November 9, 2010

At: 10:05 a.m.

Taken at:

Regus Business Centers

7800 Airport Center Drive

Suite 401

Greensboro, North Carolina

Reported in Stenotype by
V. Dario Stanziola, CSR, RPR, CRR

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<p>1 APPEARANCES</p> <p>2 ON BEHALF OF THE PLAINTIFFS:</p> <p>3 STEPHEN M. TILLERY, Esq.</p> <p>4 MICHAEL KLENOV, Esq.</p> <p>5 ROSEMARIE FIORILLO, Esq.</p> <p>6 JERRY BROWN, Esq.</p> <p>7 Korein Tillery, LLC</p> <p>8 505 N. 7th Street, Suite 3600</p> <p>9 St. Louis, Missouri 63101</p> <p>10 Phone: 314.241.4844 Fax: 314.241.3525</p> <p>11 E-mail: stillery@koreintillery.com</p> <p>12 E-mail: mklenov@koreintillery.com</p> <p>13</p> <p>14 ON BEHALF OF THE DEFENDANTS:</p> <p>15 MICHAEL A. POPE, Esq.</p> <p>16 PETER SCHUTZEL, Esq.</p> <p>17 McDermott Will & Emery LLP</p> <p>18 227 West Monroe Street</p> <p>19 Chicago, Illinois 60606</p> <p>20 Phone: 312.372.2000 Fax: 312.984.7700</p> <p>21 E-mail: mpope@mwe.com</p> <p>22 E-mail: pschutzel@mwe.com</p> <p>23 Also Present:</p> <p>24 ALAN NADEL, Esquire</p> <p>25 Syngenta Crop Protection, Inc.</p> <p>26</p> <p>27 GARY TODD, CLVS, Videographer</p> <p>28</p> <p>29 VIDEOTAPED DEPOSITION OF VERNON RICHARD</p> <p>30 HAWKINS, a witness called on behalf of the</p> <p>31 Plaintiffs, before V. Dario Stanzola, CSR, RPR,</p> <p>32 CRR, Notary Public, in and for the State of North</p> <p>33 Carolina, held at the Regus Business Centers, 7800</p> <p>34 Airport Center Drive, Suite 401, Greensboro, North</p> <p>35 Carolina, on Tuesday, November 9, 2010, commencing</p> <p>36 at 10:05 a.m.</p>	<p>1 Plaintiff's Exhibit 9: An e-mail string 168</p> <p>2 with the top from Ayannah Chance dated</p> <p>3 11/11/07, Bates GRNVL0000064902</p> <p>4 Plaintiff's Exhibit 10: An e-mail string 171</p> <p>5 with the top from Eileen Watson dated</p> <p>6 4/27/06, Bates GRNVL0000052306</p> <p>7 Plaintiff's Exhibit 11: An e-mail string 175</p> <p>8 with the top from John Abbott dated</p> <p>9 11/9/05, Bates SYN01190631 - 32</p> <p>10 Plaintiff's Exhibit 12: An e-mail string 177</p> <p>11 with the top from Rush Ducote dated</p> <p>12 12/7/04, Bates GRNVL0000064978</p> <p>13 Plaintiff's Exhibit 13: An e-mail 181</p> <p>14 document from Willy Maurer dated</p> <p>15 11/4/05, Bates SYN02781966</p> <p>16 Plaintiff's Exhibit 14: An e-mail string 185</p> <p>17 with the top from Scott Langkamp dated</p> <p>18 3/22/06, Bates GRNVL0000065798 - 799</p> <p>19 Plaintiff's Exhibit 15: An e-mail string 187</p> <p>20 with the top from Philippe Costrop dated</p> <p>21 5/19/08, Bates SYN02768444 - 445</p> <p>22 Plaintiff's Exhibit 16: An e-mail string 190</p> <p>23 with the top from Susan Morris dated</p> <p>24 10/19/06, Bates GRNVL0000042446 - 448</p> <p>25 Plaintiff's Exhibit 17: Syngenta 195</p> <p>26 Triazine Supply Chain Redesign July</p> <p>27 2004, Bates SYN01146557 - 6607</p> <p>28 Plaintiff's Exhibit 18: An e-mail string 204</p> <p>29 with the top from Scott Langkamp dated</p> <p>30 6/13/07, Bates SYN03446466</p> <p>31 Plaintiff's Exhibit 19: An e-mail string 208</p> <p>32 with the top from Jasper Barnes dated</p> <p>33 6/10/09, Bates SYN03146593 - 6594</p> <p>34 Plaintiff's Exhibit 20: An e-mail string 212</p> <p>35 with the top from Barbara Descenzo dated</p> <p>36 11/21/07, Bates GRNVL0000065140 - 142</p>
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<p>1 INDEX OF EXAMINATIONS</p> <p>2</p> <p>3 By Mr. Tillery PAGE 7</p> <p>4</p> <p>5 INDEX OF EXHIBITS</p> <p>6 NUMBER EXHIBIT MARKED</p> <p>7 Plaintiff's Exhibit Number 1: E-mail 73</p> <p>8 string with the top from Tobias Meili</p> <p>9 dated 6/27/08, Bates GRNVL0000085568 -</p> <p>10 5572</p> <p>11 Plaintiff's Exhibit 2: Syngenta document 119</p> <p>12 entitled Summary Notes dated 6/26/09,</p> <p>13 Bates GRNVL0000080732 - 0737</p> <p>14</p> <p>15 Plaintiff's Exhibit 3: An e-mail string 124</p> <p>16 with the top from Brian Manley dated</p> <p>17 3/20/06, Bates SYN03444291</p> <p>18</p> <p>19 Plaintiff's Exhibit 4: An e-mail string 128</p> <p>20 with the top from Pat Stiner dated</p> <p>21 7/6/06, Bates GRNVL0000042011 - 2012</p> <p>22</p> <p>23 Plaintiff's Exhibit 5: An e-mail string 131</p> <p>24 with the top from Robert Wurz dated</p> <p>25 10/24/01, Bates SYN01791910</p> <p>26</p> <p>27 Plaintiff's Exhibit 6: An e-mail string 136</p> <p>28 with the top from Dan Campbell dated</p> <p>29 10/19/07, Bates SYN012751724 - 726</p> <p>30</p> <p>31 Plaintiff's Exhibit 7: A document 140</p> <p>32 entitled Review of Triazine Strategy</p> <p>33 from a Global Perspective March 22, 2005</p> <p>34 Greensboro, Bates SYN02781983 - 2726</p> <p>35</p> <p>36 Plaintiff's Exhibit 8: An e-mail string 163</p> <p>37 with the top from Ayannah Chance, Bates</p> <p>38 GRNVL0000064906 - 907</p>	<p>1 Plaintiff's Exhibit 21: Syngenta Minutes 215</p> <p>2 dated 7/5/03, Bates SYN00756454 - 6477</p> <p>3</p> <p>4 Plaintiff's Exhibit 22: Syngenta 221</p> <p>5 document entitled Syngenta Production</p> <p>6 Strategies in the U.S. and Worldwide,</p> <p>7 Bates SYN01790993 - 994</p> <p>8</p> <p>9 Plaintiff's Exhibit 23: An e-mail string 226</p> <p>10 with the top from Frank Knight dated</p> <p>11 12/7/06, Bates SYN02995494</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p>1 THE VIDEOGRAPHER: Here begins the 2 videotaped deposition of Vernon Hawkins, tape 3 one, volume one in the matter of City of 4 Greenville, Illinois, et al. v. Syngenta Crop 5 Protection Incorporated, et al., Case Number 6 10-CV-188-JPG-PMF. Today's date is 7 November 9th, 2010. And the time on the video 8 monitor is 10 o'clock and five minutes. 9 The video operator today is Gary Todd of 10 TeleVisual representing WestLaw Deposition 11 Services. The court reporter is Dario 12 Stanziola of Huseby Incorporated, reporting on 13 behalf of WestLaw Deposition Services. 14 Today's deposition is being taken on 15 behalf of the plaintiff and is taking place at 16 7800 Airport Center Drive, Suite 401, 17 Greensboro, North Carolina. 18 Counsel, please introduce yourselves and 19 state whom you represent. 20 MR. TILLERY: For the plaintiffs, Steve 21 Tillery, Michael Klenov, Rosemarie Fiorillo 22 from the law firm of Korein Tillery in St. 23 Louis. 24 MR. POPE: For the defendant, Michael 25 Pope and Peter Schutzel from McDermott, Will &</p>	<p>1 A. I have, yes. 2 Q. And how many? 3 A. Three or four, I believe. 4 Q. Okay. And how many times -- other times 5 have you testified besides depositions? 6 A. I don't recall any other testimonies 7 other than the depositions. 8 Q. Okay. And could you tell me what those 9 depositions involved? 10 A. They were related to data compensation 11 via arbitration cases. I believe there was one 12 particular case related to a disagreement with the 13 EPA related to data comp as well. 14 Q. Would you, for the record, explain what 15 data compensation means? 16 A. Sure. Data compensation is when a 17 manufacturer, the proprietary company that invents 18 a product, has certain rights to the use of the 19 data if other people want to enter the market. And 20 so it's a legal process which the manufacturer can 21 ensure that they get paid the fair -- the fair 22 share of the data if somebody else chooses to use 23 it in the marketplace. 24 Q. Why don't you give us an example of that. 25 A. An example would be we sell a particular</p>
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<p>1 Emery in Chicago. 2 MR. NADEL: Alan Nadel, Syngenta Crop 3 Protection, Inc. 4 THE VIDEOGRAPHER: Others present. 5 MR. TILLERY: Others present is Jerry 6 Brown from Korein Tillery. 7 THE VIDEOGRAPHER: Would the court 8 reporter please swear in the witness. 9 (Witness Sworn.) 10 THE VIDEOGRAPHER: Please continue. 11 VERNON RICHARD HAWKINS, 12 having been duly sworn, was examined and testified 13 as follows: 14 EXAMINATION 15 BY MR. TILLERY: 16 Q. Would you state your name for the record, 17 please. 18 A. Vernon Richard Hawkins. 19 Q. And what is your permanent residential 20 address? 21 A. [REDACTED] 22 [REDACTED] 23 Q. When and where were you born, sir? 24 A. I was born in Kokomo, Indiana in 1963. 25 Q. Have you ever had a deposition before?</p>	<p>1 compound that we invented, and after the patent 2 fall, a company may choose to enter and they would 3 make a claim to pay, and then we would seek an 4 agreement on the payment amount. And if there is 5 an agreement on the payment amount, often 6 arbitration is how you settle what the value of the 7 data is worth. Meanwhile, the company that chooses 8 to enter is able to sell and the arbitration is 9 about what is the value that the company would owe 10 the proprietary inventor. 11 Q. And you have testified in you think three 12 or four of those? 13 A. I believe. I recall three or four, yes. 14 Q. Did the -- did you testify by deposition or 15 at the arbitration? 16 A. I believe I've done both. 17 Q. But you don't know for certain? 18 A. I do recall that they were different. 19 One I was in the arbitration recently in 2010. The 20 others were a few years ago. And one of those I 21 believe was a deposition. 22 Q. Any of these involve atrazine? 23 A. Yes. 24 Q. All of them involve atrazine? 25 A. No.</p>

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<p>1 Q. How many?</p> <p>2 A. I believe two of them did involve</p> <p>3 atrazine and the others would have been other</p> <p>4 molecules for Syngenta Crop Protection, Inc.</p> <p>5 Q. Okay. Could you tell me about your</p> <p>6 education after high school, please.</p> <p>7 A. I received a BS degree from Purdue</p> <p>8 University studying in agronomy. I later went onto</p> <p>9 get an MBA at Temple University through an</p> <p>10 executive program about five years after I got my</p> <p>11 undergrad degree.</p> <p>12 Q. When did you -- what year did you get your</p> <p>13 undergraduate degree?</p> <p>14 A. I think December '85 is when I would have</p> <p>15 graduated from Purdue.</p> <p>16 Q. And what was your first full-time job?</p> <p>17 A. I joined a company called ICI Americas at</p> <p>18 the time, which actually is one of the legacy</p> <p>19 companies of Syngenta Crop Protection, Inc.</p> <p>20 Q. And what work were you doing?</p> <p>21 A. I started at the company after being an</p> <p>22 intern in the summers in sales support and what was</p> <p>23 the headquarters at that time in Wilmington,</p> <p>24 Delaware. Was there for just under a year before</p> <p>25 taking a sales territory in Illinois.</p>	<p>1 while I was a sales rep which did have atrazine in</p> <p>2 it, which we would have sourced from a supplier.</p> <p>3 Q. What did you do after your job at ICI</p> <p>4 Americas?</p> <p>5 A. After ICI Americas became Syngenta -- or</p> <p>6 excuse me, became Zeneca before Syngenta was</p> <p>7 formed. So I stayed with the company even though</p> <p>8 the company name and structure had changed. And</p> <p>9 after leaving sales, I moved into the headquarters</p> <p>10 in Wilmington, Delaware. And I was a business</p> <p>11 analyst there in the headquarters. And it's at</p> <p>12 that time that I started my MBA studies while I was</p> <p>13 in Delaware.</p> <p>14 Q. And that would have been in what year that</p> <p>15 you started then?</p> <p>16 A. I don't recall the exact date of when</p> <p>17 Zeneca was formed. I essentially stayed with the</p> <p>18 company and the company changed names. But it</p> <p>19 would have been in the period around '89, '90 when</p> <p>20 I moved into Delaware, and then in the early '90s I</p> <p>21 believe is when Zeneca was formed.</p> <p>22 Q. And what did you do as a business analyst?</p> <p>23 A. I was primarily responsible for</p> <p>24 tabulating the ten-year forecast or long-term</p> <p>25 forecast for the product lines that we sold in the</p>
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<p>1 Q. And what were you selling?</p> <p>2 A. I was selling the products that our</p> <p>3 company either invented or had rights to sell,</p> <p>4 herbicides, insecticides predominantly.</p> <p>5 Q. And that -- you said that was a legacy</p> <p>6 company?</p> <p>7 A. Legacy is a term that we use for the</p> <p>8 companies that make up Syngenta Crop Protection,</p> <p>9 Inc. through the course of history. And the</p> <p>10 formation of Syngenta and Novartis and AstraZeneca,</p> <p>11 you know, came together was what formed Syngenta.</p> <p>12 So prior companies before the creation of the</p> <p>13 company is what we refer to as legacy.</p> <p>14 Q. And what year did you do the sales work in</p> <p>15 Illinois?</p> <p>16 A. 1986 or early 1987 through 1989 I believe</p> <p>17 were the dates. I was a sales rep for almost three</p> <p>18 years.</p> <p>19 Q. All of those years spent in Illinois?</p> <p>20 A. Yes.</p> <p>21 Q. Did you ever sell atrazine?</p> <p>22 A. We didn't have atrazine as part of our</p> <p>23 portfolio when the company was ICI Americas.</p> <p>24 Q. Okay.</p> <p>25 A. However, we did have a premix product</p>	<p>1 U.S. market, and various projects related to</p> <p>2 strategy for the U.S. market.</p> <p>3 Q. How long did you stay in that job as a</p> <p>4 business analyst?</p> <p>5 A. I believe it was one to two years. And</p> <p>6 then I moved into a production scheduling role in</p> <p>7 the same location before I finished my MBA.</p> <p>8 Q. And the production scheduling role involved</p> <p>9 what products?</p> <p>10 A. I had a portfolio. I don't recall the</p> <p>11 exact products I was responsible for. But it would</p> <p>12 have been in the order of ten to 20 active</p> <p>13 ingredients and a host of products from those</p> <p>14 active ingredients.</p> <p>15 Q. And as a production scheduler, what would</p> <p>16 you do?</p> <p>17 A. Primarily I was responsible for ensuring</p> <p>18 that the ability to supply the demand that was</p> <p>19 forecasted from the marketing teams for U.S. sales</p> <p>20 were deliverable and where possible we would adapt</p> <p>21 the schedule to ensure demand could be met.</p> <p>22 Q. Were these products being manufactured in</p> <p>23 the United States?</p> <p>24 A. Many of them were. Some probably were</p> <p>25 not. I don't recall the exact portfolio. But a</p>

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<p>1 number of our molecules are -- the active 2 ingredient, which is the core part of the module, 3 are not made in the U.S. But the formulator 4 products often are made in the U.S. And we do some 5 of both here, active ingredient and formulation. 6 Q. And the MBA was awarded from Temple in what 7 year? 8 A. I believe it was 1992. 9 Q. Any particular area of study? 10 A. It was an executive program. So it was 11 generally a marketing management MBA format. 12 Q. Have you had any other formal education 13 passed that MBA? 14 A. I have not. 15 Q. What was your next job? 16 A. After I completed my MBA, I went overseas 17 to work in the global headquarters for -- I believe 18 it was still ICI at the time. It may have been 19 Zeneca. But it was in Fernhurst, England. And I 20 was there for almost two years doing a global 21 product management role. 22 Q. And what products did you deal with at that 23 time? 24 A. Primarily fungicide products. And I did 25 have one or two insecticide products as well.</p>	<p>1 segments it best fit into. So that was a core part 2 of the job. There certainly were some elements of 3 working with supply chain and those sort of things 4 to ensure product could be supplied. But largely a 5 strategy role. 6 Q. Did you involve yourself in negotiating 7 individual deals for sales at that time? 8 A. No. 9 Q. Who would have done that? 10 A. All of the countries or regions are 11 accountable for sales. So much like I am 12 accountable today at Syngenta Crop Protection, 13 Inc., all of the sales and customer interactions 14 are my responsibility. Because we do operate, and 15 did then at the time, on a global strategy approach 16 with local tailoring implementation at the customer 17 level. 18 Q. What was the name of the company you worked 19 for in England? 20 A. The -- while was in England, I believe it 21 did move from ICI to Zeneca. And I was on an 22 expatriate assignment. So I don't remember which 23 -- which part of the company I actually was 24 employed by for that term. But it would have been 25 ICI for a period and Zeneca for a period.</p>
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<p>1 Q. Did you involve yourself with atrazine at 2 that time? 3 A. At that time, no. Again, the company at 4 that stage, the legacy company, we did not own 5 atrazine at that time. 6 Q. And how long did you stay there in England? 7 A. I was there for just under two years. 8 Q. And then what job did you take? 9 A. I returned to the U.S. and for a short 10 time did a electronic commerce role. I related to 11 standardizing information for the industry, working 12 with a group that was focused on that across 13 industry. And then probably in nine to ten months 14 moved into lead the fungicide business management 15 for North America. 16 Q. You mentioned that when you were in England 17 that you worked in a global products management role. 18 What does that mean? 19 A. Well, global product management is a 20 function that we still broadly have in the company 21 today. And it was a function that was really 22 focused on identifying what were the best markets 23 to develop the compound for, and then once you had 24 a compound that was deemed to have opportunity, you 25 were trying to assess what value and what market</p>	<p>1 Q. What was the year that you returned to the 2 U.S.? 3 A. I returned to the U.S. I believe it was 4 about four years after -- well, excuse me, it would 5 have been -- I went to England twice. So the first 6 time it would have been probably '94. Could have 7 been '95. But in that time zone. 8 Q. When you returned? 9 A. Right. And then I went after the 10 fungicide role that I had referenced in the U.S. 11 market responsible for North America, I did go back 12 to England prior to the formation of Syngenta and 13 managed the global insecticide business from 14 Fernhurst, England again. 15 Q. Was that the global headquarters of the 16 business? 17 A. It was at that time, yes. 18 Q. And how long were you there at global 19 headquarters a second time? 20 A. A little over two years. 21 Q. So you returned to the U.S. what year from 22 that stint in Europe? 23 A. I returned right at the formation of 24 Syngenta. So late 2000. I probably didn't 25 relocate until early 2001.</p>

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<p>1 Q. And you came back to work where, what 2 location?</p> <p>3 A. The Greensboro, North Carolina location 4 of Syngenta Crop Protection, Inc.</p> <p>5 Q. And have you been employed by Syngenta Crop 6 Protection, Inc. ever since?</p> <p>7 A. I have, yes.</p> <p>8 Q. Now, immediately before you came back, who 9 were you employed by?</p> <p>10 A. Again, I was -- AstraZeneca owned the 11 company at the time. And the agriculture division 12 was Zeneca. So I don't remember the exact company 13 name. But it would have certainly been part of the 14 AstraZeneca company that I reported to before the 15 formation of Syngenta.</p> <p>16 Q. Was there a time prior to that particular 17 corporate entity that you worked for a different one?</p> <p>18 In other words, before your assignment back 19 at Syngenta Crop Protection, Inc., you said you don't 20 know the exact name of the company you were working 21 for. Was there another entity that you do remember 22 prior to that assignment?</p> <p>23 A. So prior to going to England?</p> <p>24 Q. Actually, let's back it up this way, you 25 came back here in the latter part of 2000 and started</p>	<p>1 policy. So I was paid according to the policy at 2 that time.</p> <p>3 Q. And what do you mean there was a policy?</p> <p>4 A. For expatriate assignments there are -- 5 like many things in our company, there are sort of 6 procedures which we follow.</p> <p>7 Q. And whatever that procedure was, you 8 presume that whatever it called for, that's how you 9 were being paid?</p> <p>10 A. That's correct. And that was 11 communicated to me at the time. I just don't 12 recall how it was structured.</p> <p>13 Q. Sorry about the cough. I've been fighting 14 this for a bit. So apologize to you.</p> <p>15 A. No problem.</p> <p>16 Q. Okay. In the fall of 2000 you came back to 17 America and started working at Syngenta Crop 18 Protection, Inc. What was your job at that time?</p> <p>19 A. I was vice president for the company 20 Syngenta Crop Protection, Inc. at that time leading 21 a group called product portfolio management. And 22 that particular role entailed leading the brand 23 management on marketing teams. It also included 24 regulatory affairs, our development, development 25 planning areas of the business. So mostly the</p>
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<p>1 working for Syngenta Crop Protection, Inc.?</p> <p>2 A. That's correct.</p> <p>3 Q. Okay. Your immediately preceding job was in 4 England. But you don't remember the name of that 5 company?</p> <p>6 A. No. I know it was a portion of the 7 AstraZeneca firm. I was on expatriate assignment, 8 as I mentioned, in the first experience. So second 9 experience also on an expatriate assignment.</p> <p>10 Q. Was it the same company both times to 11 England that you worked for or different companies?</p> <p>12 A. It would have been different. Because -- 13 well, I believe it would have been different in 14 terms of the firm ownership. Because I was always 15 in the ag division, I'm not sure if there was a 16 company structure change when Astra and Zeneca came 17 together.</p> <p>18 Q. And just before you came back what were you 19 doing in England?</p> <p>20 A. I was responsible for the global 21 insecticide business.</p> <p>22 Q. That second assignment in England, who was 23 paying your salary while you were on that assignment?</p> <p>24 A. I don't know definitively. Typically the 25 way expatriate assignments work is there is a</p>	<p>1 things related to developing and marketing of 2 product.</p> <p>3 Q. How long did you stay in that job?</p> <p>4 A. I believe it was two to three years in 5 that role.</p> <p>6 Q. So --</p> <p>7 A. I don't recall exactly. But in that time 8 range.</p> <p>9 Q. And then what job did you take?</p> <p>10 A. I moved from that role to lead one of our 11 business units, which we called horticulture, which 12 was predominantly focused on fruit and vegetable 13 crops, you know, covering the east and west coast 14 primarily.</p> <p>15 Q. What were your responsibilities there?</p> <p>16 A. I was responsible for sales, customer 17 relations, leading the team to deliver all sales of 18 the products that we sold in those markets.</p> <p>19 Q. What was the first time that you started 20 regularly working with atrazine in your career?</p> <p>21 A. The first time that the company owned 22 atrazine was the formation of Syngenta in 2000. So 23 atrazine certainly would have been one of the 24 products in the portfolio when I had the product 25 portfolio management role. I did mention</p>

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Page 22	<p>1 previously that in my early sales career we did</p> <p>2 sell a mixture product which had atrazine in it</p> <p>3 which -- so I did sell product called sutazine was</p> <p>4 the name of it. So I was working with it in that</p> <p>5 regard earlier in my career.</p> <p>6 MR. POPE: Spell it for the court</p> <p>7 reporter.</p> <p>8 THE WITNESS: S-U-T-A-Z-I-N-E.</p> <p>9 Q. So it would have been in the fall of 2000</p> <p>10 that you became actively involved on let's say a</p> <p>11 routine basis with atrazine?</p> <p>12 A. I would have had accountability when I</p> <p>13 was appointed. Much of the discussion around the</p> <p>14 portfolio probably didn't occur until into 2001</p> <p>15 once the procedures and ways of working were sorted</p> <p>16 in the course of integrating the company during</p> <p>17 merger acquisition.</p> <p>18 Q. Now, you mentioned to me that you had a</p> <p>19 horticulture assignment on the east and west coast.</p> <p>20 That would have been around 2002 or 2003?</p> <p>21 A. I believe 2003 because --</p> <p>22 Q. How long did that job last?</p> <p>23 A. That job would have been two to three</p> <p>24 years as well.</p> <p>25 Q. Were you working with the sales of atrazine</p>	Page 24	<p>1 Syngenta Crop Protection. Has the manner in which</p> <p>2 the contracts are negotiated for sales of atrazine</p> <p>3 and other pesticides in the United States been</p> <p>4 consistent since the formation of Syngenta Crop</p> <p>5 Protection, Inc. or has it changed?</p> <p>6 A. We have a contract relationship with a</p> <p>7 number of customers, some of which are specific to</p> <p>8 atrazine and some of which are around our</p> <p>9 portfolio. And we have what we call third-party</p> <p>10 customers, which could be competitors which we sell</p> <p>11 atrazine to, much like the situation I described</p> <p>12 when I was selling sutazine. And we have a sales</p> <p>13 of atrazine to our distributor customers who sell</p> <p>14 our other products. So while the contract terms</p> <p>15 may have changed, the process for which we enter an</p> <p>16 agreement and the accountability for the agreement</p> <p>17 under my role at Syngenta Crop Protection, Inc. has</p> <p>18 not changed.</p> <p>19 Q. Okay. And the manner in which contracts are</p> <p>20 negotiated, the manner in which sales leads are</p> <p>21 followed up, those sorts of things have been fairly</p> <p>22 consistent since let's say 2001 at Syngenta Crop</p> <p>23 Protection, Inc. for the sales of products in the</p> <p>24 United States?</p> <p>25 A. The sales of the products in the United</p>
Page 23	<p>1 at that time?</p> <p>2 A. I was working somewhat with the sales of</p> <p>3 atrazine at that time and a sister product called</p> <p>4 simazine.</p> <p>5 Q. And how long did you stay on the job, two</p> <p>6 to three years?</p> <p>7 A. Two to three years.</p> <p>8 Q. So that takes us to 2005 or 2006?</p> <p>9 A. That's correct.</p> <p>10 Q. Then what did you do?</p> <p>11 A. Then I was appointed to lead the U.S.</p> <p>12 commercial operations business for Syngenta --</p> <p>13 Syngenta Crop Protection, Inc., which gave me</p> <p>14 accountability for the whole business of the U.S.</p> <p>15 related to crop protection product sales and</p> <p>16 customer accountability.</p> <p>17 Q. So how did that job differ from your</p> <p>18 preceding assignment in terms of responsibility?</p> <p>19 A. The primary difference was scope. It was</p> <p>20 U.S. in terms of accountability. I did have a</p> <p>21 relationship and accountability with all the major</p> <p>22 customers for the U.S. business that Syngenta Crop</p> <p>23 Protection, Inc. is accountable for.</p> <p>24 Q. Just a little bit about ago you were</p> <p>25 explaining to me about sales occurring through</p>	Page 25	<p>1 States for the life of the company have been the</p> <p>2 accountability of Syngenta Crop Protection, Inc.</p> <p>3 Q. Yeah, here's what I'm trying to understand,</p> <p>4 has the methodology by which you do this been the</p> <p>5 same or has there been any abrupt change in the way</p> <p>6 you've done it?</p> <p>7 We're going to talk at great length in this</p> <p>8 deposition about the way it's done.</p> <p>9 A. Okay.</p> <p>10 Q. What I want to know is has there been any</p> <p>11 change or is it roughly the same pattern of</p> <p>12 conducting business in terms of sales?</p> <p>13 A. In terms of the customers that we</p> <p>14 transact with, there has been very little change.</p> <p>15 Q. Okay.</p> <p>16 A. Which we would call our go to market</p> <p>17 strategy.</p> <p>18 Q. There may be changes in terms of the sale</p> <p>19 price of the product or the volume in a particular</p> <p>20 year for a sale, this sort of thing. I'm talking</p> <p>21 about the way in which it's done has been generally</p> <p>22 the same, correct?</p> <p>23 A. In terms of the way we go to market --</p> <p>24 Q. Yes.</p> <p>25 A. -- who we sell to, yes.</p>

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<p>1 Q. Okay. And you told us about your last job</p> <p>2 there through I think you said in 2005 or 2006 you</p> <p>3 assumed that job. How long did you have it?</p> <p>4 A. Up until January of 2010 when I was</p> <p>5 appointed president of Syngenta Crop Protection,</p> <p>6 Inc. responsible for the North American market,</p> <p>7 which for us is U.S., Canada and Mexico.</p> <p>8 Q. Okay. Are you familiar with the term dotted</p> <p>9 line or functional reporting relationship as that</p> <p>10 term is used within the Syngenta group of companies?</p> <p>11 A. It is a term that we do utilize in the</p> <p>12 company related to people connecting with other</p> <p>13 parts of the organization, yes.</p> <p>14 Q. Can you tell me what your understanding of</p> <p>15 that term is?</p> <p>16 A. The way that I would define it if it's a</p> <p>17 dotted line relationship is there is value in</p> <p>18 conversing or consulting with another part of the</p> <p>19 organization. Obviously dotted line is contrast</p> <p>20 against direct line. So the direct line is the</p> <p>21 person that the employee's accountable to. That's</p> <p>22 the person who does the performance reviews. And</p> <p>23 dotted line is really seeking advice and</p> <p>24 consultation to ensure the best decision.</p> <p>25 Q. Are direct -- are management reporting</p>	<p>1 NAFTA relationship who report to you?</p> <p>2 A. There is one person that does, yes.</p> <p>3 Q. And who is that?</p> <p>4 A. Jay Bradshaw.</p> <p>5 Q. And what is his job?</p> <p>6 A. He is the head of the Canadian business,</p> <p>7 president.</p> <p>8 Q. Is the NAFTA group a separate legal entity?</p> <p>9 A. I don't know that there's a structure for</p> <p>10 NAFTA, an entity definition.</p> <p>11 Q. So when you're head of NAFTA in this</p> <p>12 organization, you're head of all North American</p> <p>13 operations, aren't you?</p> <p>14 A. I'm responsible --</p> <p>15 MR. POPE: Objection to the form of the</p> <p>16 question. I think he just answered that he</p> <p>17 didn't know.</p> <p>18 Q. You can answer.</p> <p>19 MR. POPE: Go ahead.</p> <p>20 A. I'm responsible for the sales and</p> <p>21 customer delivery for the region that I've been</p> <p>22 appointed to, which is U.S., Canada and Mexico. So</p> <p>23 I have to speak on behalf of where the performance</p> <p>24 is. And I make the decisions related to the -- the</p> <p>25 product sales in those countries.</p>
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<p>1 relationships always confined within a particular</p> <p>2 legal entity?</p> <p>3 A. I don't know.</p> <p>4 Q. Are they with respect to Syngenta Crop</p> <p>5 Protection, Inc.?</p> <p>6 A. The reporting relationships for my team I</p> <p>7 can answer yes. I'm not sure I know the answer for</p> <p>8 the whole organization.</p> <p>9 Q. When you say the whole organization, are</p> <p>10 you talking about -- strike that.</p> <p>11 What do you mean when you say the whole</p> <p>12 organization?</p> <p>13 A. Well, the Syngenta Crop Protection, Inc.,</p> <p>14 the answer is yes. There are people that do</p> <p>15 operate in the U.S. market or the NAFTA market that</p> <p>16 are not part of Syngenta Crop Protection, Inc. And</p> <p>17 I'm not sure about that population.</p> <p>18 Q. And which ones of those are you unsure of?</p> <p>19 A. There are a number of employees that do</p> <p>20 connect to the organization outside of Crop</p> <p>21 Protection, Inc. For example, Canada. There are a</p> <p>22 number of folks that I wouldn't have good</p> <p>23 visibility of. So I couldn't name them</p> <p>24 specifically for you.</p> <p>25 Q. There are people at Canada through the</p>	<p>1 Q. Okay. So just so we're clear, who appointed</p> <p>2 you head of NAFTA?</p> <p>3 A. John Atkin is my supervisor. So the</p> <p>4 formal offer would have come from John.</p> <p>5 Q. And where is John Atkin located?</p> <p>6 A. John is located in Basel, Switzerland.</p> <p>7 He's part of the Syngenta executive team.</p> <p>8 Q. Syngenta executive committee?</p> <p>9 A. Yes.</p> <p>10 Q. Is that different from the Syngenta</p> <p>11 executive team?</p> <p>12 A. I'm not sure the formal definition. But</p> <p>13 John is a member, as you rightly clarified, of</p> <p>14 Syngenta executive council.</p> <p>15 MR. POPE: Executive committee you mean?</p> <p>16 THE WITNESS: Or committee. I'm sorry.</p> <p>17 MR. POPE: We don't need to add another</p> <p>18 --</p> <p>19 A. The acronym's SEC, so that's how I know.</p> <p>20 Q. Now, you were telling me that the head of</p> <p>21 Canada reported to you. Does the head of Mexico</p> <p>22 report to you as well?</p> <p>23 A. He does, yes.</p> <p>24 Q. What is his name?</p> <p>25 A. Marcelo Valentin.</p>

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Page 30	<p>1 Q. Are there any other groups that report to</p> <p>2 you besides Mexico and Canada?</p> <p>3 A. No, there are not. Outside of the U.S.</p> <p>4 Q. Now, in terms of functional reporting</p> <p>5 relationships, are there people within the Syngenta</p> <p>6 Crop Protection entity who have functional reporting</p> <p>7 relationships outside of Syngenta Crop Protection,</p> <p>8 Inc.?</p> <p>9 A. Could you ask that question again,</p> <p>10 please.</p> <p>11 Q. Sure.</p> <p>12 Are there people at Syngenta Crop</p> <p>13 Protection, Inc. who have functional reporting</p> <p>14 relationships with people outside of that company?</p> <p>15 A. In terms of the dotted line definition?</p> <p>16 Q. Yes.</p> <p>17 A. I'm sure there are. I don't know exactly</p> <p>18 who. But certainly in the course of global</p> <p>19 strategy development, there are a number of</p> <p>20 functional dotted line relationships to make the</p> <p>21 best decision for the company.</p> <p>22 Q. And those would be outside of the legal</p> <p>23 entity of Syngenta Crop Protection, Inc., wouldn't</p> <p>24 they?</p> <p>25 A. Those being?</p>	Page 32	<p>1 You said using functional reporting</p> <p>2 relationships is best for your company. What were</p> <p>3 you referring to when you said the company?</p> <p>4 A. Well, if I look at Syngenta from a global</p> <p>5 standpoint, as I said, we have a global strategy</p> <p>6 philosophy and we have a local implementation and</p> <p>7 execution implementation plan. So Syngenta Crop</p> <p>8 Protection, Inc. is accountable for the local</p> <p>9 implementation. And the global strategy aspect is</p> <p>10 about getting the best input from all parts of the</p> <p>11 company to make the best decision, be efficient, be</p> <p>12 effective. So that's really what I was trying to</p> <p>13 convey there.</p> <p>14 Q. When you started your job in January of</p> <p>15 this year, was that a promotion?</p> <p>16 A. It was, yes.</p> <p>17 Q. And tell me how it was that you obtained</p> <p>18 that job? Did you apply for it?</p> <p>19 A. That particular job was -- became open</p> <p>20 because my predecessor chose to leave the company.</p> <p>21 Q. And who's your predecessor?</p> <p>22 A. Valdemar Fischer was his name. And he</p> <p>23 left the company. And so I received a call from</p> <p>24 John Atkin seeking my interest in the role.</p> <p>25 Q. When did he call you?</p>
Page 31	<p>1 Q. Those functional reporting relationships?</p> <p>2 A. Where the dotted line connects to, yes.</p> <p>3 Q. Yes.</p> <p>4 A. Yes.</p> <p>5 Q. And that would exist independent of the</p> <p>6 corporate structure of the particular entities for</p> <p>7 which the people were employed?</p> <p>8 MR. POPE: When you say that, you're</p> <p>9 referring to functional reporting</p> <p>10 relationships?</p> <p>11 MR. TILLERY: Correct.</p> <p>12 A. So please restate the question.</p> <p>13 Q. Well, that functional reporting</p> <p>14 relationship would exist independent of the corporate</p> <p>15 structure of the particular entities for which those</p> <p>16 different people were employed?</p> <p>17 A. Yeah, the way our company operates,</p> <p>18 certainly we look for functional excellence we call</p> <p>19 it. So it would make sense for the people in the</p> <p>20 U.S. market and the European market to be talking</p> <p>21 to the global functional head about best practice.</p> <p>22 So in that sense, yes, they would communicate.</p> <p>23 Q. A minute ago you used the term that using</p> <p>24 functional reporting relationships would -- I'm</p> <p>25 trying to get -- strike the question.</p>	Page 33	<p>1 A. Would have been over the Thanksgiving</p> <p>2 holiday.</p> <p>3 Q. Of 2009?</p> <p>4 A. Of 2009.</p> <p>5 Q. Did you speak to anybody else about the</p> <p>6 job?</p> <p>7 A. After I spoke with John, I did go have a</p> <p>8 discussion with other members of the Syngenta</p> <p>9 executive committee to better -- it was effectively</p> <p>10 an interview. But it was mostly to understand</p> <p>11 expectations of the role and vice versa, make sure</p> <p>12 that I understood the role.</p> <p>13 Q. Where did you have those interviews?</p> <p>14 A. I would have traveled to Basel for those</p> <p>15 discussions.</p> <p>16 Q. And with whom did you meet?</p> <p>17 A. I don't recall the whole list, but I</p> <p>18 would have met with six or seven of the members of</p> <p>19 the Syngenta executive committee.</p> <p>20 Q. So did you meet with Mr. Mack?</p> <p>21 A. I did meet with Mr. Mack, yes.</p> <p>22 Q. Prior to your job as head of -- strike</p> <p>23 that.</p> <p>24 Prior to your job as president of Syngenta</p> <p>25 Crop Protection, Inc., did you have a functional</p>

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<p>1 reporting relationship with anybody in your preceding</p> <p>2 job?</p> <p>3 A. No, I did not. I was directly</p> <p>4 responsible for delivering the business. The sales</p> <p>5 and profit was my primary accountability. And</p> <p>6 customer partnerships.</p> <p>7 Q. Did you have a functional reporting</p> <p>8 relationship in any of our jobs at Syngenta Crop</p> <p>9 Protection, Inc. prior to becoming president?</p> <p>10 A. When I started with the company in 2000</p> <p>11 and had the product portfolio management role,</p> <p>12 probably weren't using the term functional</p> <p>13 excellence at that point. But certainly I had an</p> <p>14 obligation in leading the brand group and</p> <p>15 development group to have conversations with the</p> <p>16 global team related to what we saw as the best</p> <p>17 market opportunities.</p> <p>18 Q. And who were you reporting to?</p> <p>19 MR. POPE: On the functional basis?</p> <p>20 MR. TILLERY: Yeah.</p> <p>21 A. I did not have a functional reporting</p> <p>22 relationship that was formalized or on a dotted</p> <p>23 line or structured, if that's your question.</p> <p>24 Q. Right.</p> <p>25 Now, in your role of head of NAFTA, what's</p>	<p>1 A. Beyond Crop Protection, Inc.</p> <p>2 Q. Okay. Tell me who those people are.</p> <p>3 A. The main one that I'm recalling would be</p> <p>4 the head of our corporate affairs who's based in</p> <p>5 Washington, D.C.</p> <p>6 Q. And who is that?</p> <p>7 A. Jessica Adelman.</p> <p>8 Q. And she's part of the NAFTA team?</p> <p>9 A. She's part of the regional leadership</p> <p>10 team, yes.</p> <p>11 Q. What is her role at the regional leadership</p> <p>12 team?</p> <p>13 A. She is, as I say, manages our Washington,</p> <p>14 D.C. office. So she participates as a member to</p> <p>15 exchange insights on what's happening in the</p> <p>16 Washington, D.C. office and shares her</p> <p>17 accountabilities where appropriate.</p> <p>18 Q. Who else besides Jessica Adelman?</p> <p>19 A. I think I referenced the gentlemen that</p> <p>20 run Canada and Mexico.</p> <p>21 Q. Okay. He's on your regional leadership</p> <p>22 team?</p> <p>23 A. He is.</p> <p>24 Q. Okay. And his name again?</p> <p>25 A. Canada, Jay Bradshaw.</p>
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<p>1 the exact title of your job today?</p> <p>2 A. The head of NAFTA CP is what we use, CP</p> <p>3 standing for crop protection internally. When I</p> <p>4 communicate externally, president Syngenta Crop</p> <p>5 Protection, Inc. NAFTA.</p> <p>6 Q. But internally it's head of NAFTA?</p> <p>7 A. Right. We did that years ago where a lot</p> <p>8 of the senior leaders we just used the title of</p> <p>9 head, trying not to overemphasize nomenclature</p> <p>10 related to titles and levels.</p> <p>11 Q. What is the management structure in NAFTA</p> <p>12 today?</p> <p>13 You're the head of NAFTA. What is the</p> <p>14 group immediately reporting to you at NAFTA? Explain</p> <p>15 that to me.</p> <p>16 A. We would -- we would call that my</p> <p>17 regional leadership team.</p> <p>18 Q. Is that what it's called within the</p> <p>19 organization of NAFTA?</p> <p>20 A. NAFTA regional leadership team. Most of</p> <p>21 those people are part of Syngenta Crop Protection,</p> <p>22 Inc. and report directly to me. There are some key</p> <p>23 people that have corporate responsibilities, you</p> <p>24 know, beyond Crop Protection, so --</p> <p>25 Q. Beyond Crop Protection, Inc.?</p>	<p>1 Q. And who else is on the regional leadership</p> <p>2 team?</p> <p>3 A. The -- I'll try to recall all the names</p> <p>4 for you. All the gentlemen that manage the</p> <p>5 business units. So there are five of those. There</p> <p>6 is a person that manages U.S. commercial</p> <p>7 operations, which is effectively the role that I</p> <p>8 moved from this role for Syngenta Crop Protection,</p> <p>9 Inc.</p> <p>10 Q. Could you tell us who these people are?</p> <p>11 So you said there are five of those. These</p> <p>12 are the people who head up the business units.</p> <p>13 Who are those five people?</p> <p>14 A. Charles Flippin would be one. And he</p> <p>15 does the seed care business.</p> <p>16 Q. Okay.</p> <p>17 A. Scott Langkamp would be managing the</p> <p>18 horticulture business. Mike Boden would manage the</p> <p>19 southern field crop business. Jim Peters who</p> <p>20 managed the prairie and mountain business unit.</p> <p>21 Q. Okay. Now, so we're clear --</p> <p>22 MR. POPE: You want him to finish?</p> <p>23 Q. Oh, I'm sorry. Were you finished? I'm</p> <p>24 sorry.</p> <p>25 A. Tommy Jackson who managed the northern</p>

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<p>1 field crop business.</p> <p>2 Q. Okay.</p> <p>3 A. And then Corey Huck would be the U.S.</p> <p>4 commercial operations head that I referenced. Now,</p> <p>5 there are more -- there are more, but those are the</p> <p>6 commercial business unit leaders.</p> <p>7 Q. Now, when you say the Charles Flippin, is</p> <p>8 that what you said?</p> <p>9 A. That's correct.</p> <p>10 Q. Flippin.</p> <p>11 What is the responsibility that Charles</p> <p>12 Flippin has for the seed care business in North</p> <p>13 America?</p> <p>14 A. He's responsible predominantly for sales</p> <p>15 and customer relationships of companies that sell</p> <p>16 seed care products as well as seed companies that</p> <p>17 buy seed care products.</p> <p>18 Q. For the -- all North American sales?</p> <p>19 A. Charles is -- does have a little broader</p> <p>20 responsibility than some of the other employees.</p> <p>21 He's predominantly accountable for delivery of U.S.</p> <p>22 sales, but he does perform a NAFTA strategic role</p> <p>23 with Canada. There's not really a lot of sales in</p> <p>24 Mexico for seed care products. So he does have</p> <p>25 relationship with Canada.</p>	<p>1 Q. Okay. So when sales are -- strike that.</p> <p>2 When sales occur in Canada, they are</p> <p>3 reported as occurring through the Canadian</p> <p>4 subsidiary?</p> <p>5 A. My understanding is that Syngenta Canada</p> <p>6 Crop Protection, Inc. would report all sales made</p> <p>7 to customers in the country of Canada.</p> <p>8 Q. Okay. And that would occur irrespective of</p> <p>9 who made the deal or from where the seeds came?</p> <p>10 A. Well, the country is accountable for all</p> <p>11 sales. So if you mean irregardless of where in</p> <p>12 Canada, yes.</p> <p>13 Q. But if the seeds came from America, from</p> <p>14 Syngenta Crop Protection, Inc., for example, were</p> <p>15 sent to Canada and sold and then attributed to the</p> <p>16 Syngenta entity in Canada, correct?</p> <p>17 A. Well, the -- our supply chain in crop</p> <p>18 protection and seed care products is a global</p> <p>19 supply chain. So where the products were sourced</p> <p>20 from is a function of supply. You know, the</p> <p>21 transfer of title of the product, you know, I'm not</p> <p>22 quite sure how that works. So it could have from</p> <p>23 the U.S., it could have come from another country.</p> <p>24 Q. How does it work when it takes place with</p> <p>25 Syngenta Crop Protection, Inc. when you get supplies</p>
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<p>1 Q. And what does he do for Canada?</p> <p>2 A. He largely exchanges guidance on strategy</p> <p>3 and takes input on strategy development.</p> <p>4 Q. So you're saying he never goes there to</p> <p>5 help them with actual sales of seeds; is that right?</p> <p>6 A. He goes to Canada, yes.</p> <p>7 Q. Okay.</p> <p>8 A. But he doesn't make customer calls in</p> <p>9 Canada.</p> <p>10 Q. But you're not saying that he doesn't help</p> <p>11 them with the sales of products in Canada, are you,</p> <p>12 sir?</p> <p>13 A. What I'm saying is Charles makes customer</p> <p>14 calls in the U.S. as he's accountable for that</p> <p>15 business. There is a seed care head in Canada that</p> <p>16 does not report to Charles, he reports to Jay</p> <p>17 Bradshaw. So Charles will, again, be an advisor</p> <p>18 where appropriate on information about the market</p> <p>19 for product line and those kind of things. So that</p> <p>20 -- it's a strategy relationship.</p> <p>21 Q. Does Syngenta Crop Protection, Inc. sell</p> <p>22 seeds in Canada?</p> <p>23 A. I don't know. I believe all sales are</p> <p>24 reported through Syngenta Canada Crop Protection,</p> <p>25 Inc.</p>	<p>1 from other Syngenta AG subsidiaries?</p> <p>2 A. Well, we would -- supply chain would</p> <p>3 manage a -- some sort of transfer pricing process,</p> <p>4 and we then own the inventory and we are</p> <p>5 accountable for selling that inventory and managing</p> <p>6 that inventory.</p> <p>7 Q. What if it goes directly from a import</p> <p>8 directly to the customer?</p> <p>9 A. I'm not aware of that situation</p> <p>10 occurring.</p> <p>11 Q. You're saying that has never occurred?</p> <p>12 A. I don't know to my knowledge.</p> <p>13 Q. Who --</p> <p>14 A. It's certainly not the -- it's certainly</p> <p>15 not a common business practice if it has occurred.</p> <p>16 Q. Who does Jessica Adelman actually work for?</p> <p>17 A. I don't know -- well, the person that she</p> <p>18 works for, he's -- is in Jonathan Seabrook's group</p> <p>19 in Basel and Sarah Hull I believe is her direct</p> <p>20 manager who works in that same team.</p> <p>21 Q. At Basel?</p> <p>22 A. They're -- Sarah and Jonathan Seabrook</p> <p>23 would be a functional reporting -- Jessica direct</p> <p>24 line reports to me.</p> <p>25 Q. And Jessica is employed by which Syngenta</p>

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<p>1 entity? 2 A. I'm not sure. 3 Q. She's not employed by Syngenta Crop 4 Protection, Inc., is she, sir? 5 A. She's not. As I mentioned, she has a 6 NAFTA-wide business accountability, which goes 7 beyond crop protection. Because we do have other 8 business divisions, seeds being, you know, the 9 major one besides crop protection. So she has some 10 accountability in that business as well. 11 Q. Does she report to anybody else on the seed 12 side of the business besides you? 13 A. My understanding is she would have a 14 dotted line with David Morgan, who is the head of 15 the Syngenta seeds for the U.S. business. 16 Q. And he's in Basel? 17 A. No, he is in Minnesota. 18 Q. Okay. And David Morgan works for whom? 19 A. I don't know which entity he works for. 20 But he has accountability for North American seeds. 21 Q. Does he work for Syngenta Crop Protection, 22 Inc.? 23 A. No, he does not. 24 Q. He works for another entity in the Syngenta 25 AC umbrella of subsidiaries, doesn't he?</p>	<p>1 occasional what we call operating committee 2 discussions to make sure that policies related to 3 people or things that should be natural -- 4 naturally in common in the company, make sure that 5 we're coordinated. But it's typically around those 6 sort of items. 7 Q. Are there any other people with NAFTA roles 8 that you haven't told me about either in seeds or the 9 agrochem business? 10 A. When you say NAFTA, do you mean -- 11 Q. The same way you've used it in the 12 deposition? 13 A. But there's NAFTA crop protection, there 14 would be NAFTA seeds. 15 Q. That's what I'm saying both. Any NAFTA 16 operation of Syngenta. 17 A. There would be folks that would have 18 accountability for NAFTA, but I couldn't tell you 19 who all those people are. 20 Q. Okay. And what do you believe their roles 21 to be? If you don't know who they are -- 22 A. I can give you an example. 23 Q. Okay. 24 MR. POPE: You mean beyond the answers 25 he's already given you about certain people?</p>
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<p>1 A. He's certainly part of the Syngenta 2 group. I don't know which entity he -- he reports 3 to. 4 Q. What does Syngenta group mean when you say 5 that? 6 A. Well, all -- what I mean by the Syngenta 7 group, I'm talking about in broad terms, all the 8 assets, you know, that Syngenta owns. 9 Q. And what role does he have in NAFTA in 10 terms of seeds? 11 A. He has a very similar role that I do for 12 the seeds business. So he would be accountable for 13 U.S. and Canada. I don't believe he has Mexico, 14 but I'm not positive of that. But sales in the 15 U.S./Canadian markets and customer relationships in 16 the U.S./Canadian markets. 17 Q. And his office is in Minnesota? 18 A. It is. 19 Q. Where in Minnesota? 20 A. Minnetonka I believe is the name of the 21 city. 22 Q. Do you coordinate your activities with Mr. 23 Morgan in terms of NAFTA responsibilities? 24 A. We don't coordinate our business 25 management activities. But we certainly do have</p>	<p>1 MR. TILLERY: Right. 2 A. Right. So maybe restate the question to 3 make sure that I answer it. 4 Q. Well, I asked you if there were other 5 people with NAFTA roles for Syngenta, irrespective of 6 which entity they work for that you haven't talked to 7 me about? 8 A. So, for example, NAFTA development crop 9 protection, Marian Stypa would manage that 10 function. And so he would have dialogue with 11 Canada around their local development plans, 12 resource needs. And he would also for Syngenta 13 Crop Protection, Inc. have that same kind of 14 discussion in the U.S. And he would be 15 accountable for managing the field trials and all 16 of the things we do to test a product in the U.S. 17 for the U.S. market. 18 But much like the discussion we had about 19 seed care, he would have a relationship with the 20 Canadian development manager. So there's somebody 21 that manages the Canadian development. 22 Q. Who does Marian Stypa work for? 23 A. He reports to me. 24 Q. Okay. Who does he work for? 25 A. I believe Marian is a Syngenta Crop</p>

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<p>1 Protection, Inc. employee.</p> <p>2 Q. And that's your best understanding?</p> <p>3 A. That's my understanding.</p> <p>4 Q. Okay. How long has he been an employee of</p> <p>5 Syngenta Crop Protection, Inc.?</p> <p>6 A. I believe he would have relocated and</p> <p>7 taken that position about three years ago. He</p> <p>8 actually was working in Canada prior.</p> <p>9 Q. For whom?</p> <p>10 A. I don't know the specific -- but the</p> <p>11 Canadian organization is where he came from.</p> <p>12 Q. And he has a direct reporting obligation to</p> <p>13 you?</p> <p>14 A. He does.</p> <p>15 Q. Could you tell me who are the people that</p> <p>16 have direct reporting obligations to you?</p> <p>17 A. In the direct line definition that I gave</p> <p>18 previously, that would be the commercial people</p> <p>19 I've previously named, the five business unit</p> <p>20 heads, the head of commercial operations, Mr. Corey</p> <p>21 Huck, Marian Stypa would report to me. I mentioned</p> <p>22 Jessica Adelman. And there are a few other</p> <p>23 functional people that have a dotted line</p> <p>24 relationship with me because of the functional</p> <p>25 excellence, which would be the head of our HR.</p>	<p>1 of.</p> <p>2 Q. Okay. Who else is this group that has</p> <p>3 direct reporting obligation to you?</p> <p>4 A. Can you rephrase that?</p> <p>5 Q. Yeah.</p> <p>6 Who are the other people? You were in the</p> <p>7 process of telling me who that is.</p> <p>8 A. Right. Right. I mentioned HR, I</p> <p>9 mentioned corporate affairs. John Riley in supply</p> <p>10 chain has a functional relationship to me, so he's</p> <p>11 on the regional leadership team. And has, again,</p> <p>12 NAFTA responsibilities.</p> <p>13 Q. Who is he employed by?</p> <p>14 A. Syngenta Crop Protection, Inc.</p> <p>15 Q. Who is his direct reporting obligation to?</p> <p>16 A. I'm not sure, but it would be I believe</p> <p>17 the head of supply chain in Basel. But I'm not</p> <p>18 sure --</p> <p>19 Q. Okay.</p> <p>20 A. -- who that person -- which specific</p> <p>21 person that is.</p> <p>22 Q. Okay.</p> <p>23 A. So this is where the functional -- and</p> <p>24 the functional excellence sometimes it was aligned</p> <p>25 differently.</p>
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<p>1 Q. Who's that?</p> <p>2 A. Daniel Loria. An he performs a NAFTA</p> <p>3 role across much like Jessica does, seeds and crop</p> <p>4 protection in the U.S.</p> <p>5 Q. Who does Daniel Loria work for?</p> <p>6 A. His direct line relationship would be I</p> <p>7 believe at the HR head in Basel.</p> <p>8 Q. Who's he employed by?</p> <p>9 A. Because he serves the North American</p> <p>10 markets, Syngenta Crop Protection, Inc. is my</p> <p>11 understanding of who he reports to or what business</p> <p>12 he's classified under.</p> <p>13 Q. Does he have HR responsibilities for Canada</p> <p>14 and Mexico as well?</p> <p>15 A. Daniel's responsibilities would be very</p> <p>16 much like I described the others. There are heads</p> <p>17 of HR in Mexico and heads of HR in Canada. But he</p> <p>18 certainly is accountable to ensure that those</p> <p>19 strategies are being implemented effectively. In</p> <p>20 the U.S. he is accountable to manage the team</p> <p>21 directly in both Syngenta Crop Protection, Inc. --</p> <p>22 Q. Are there people in the human resources</p> <p>23 departments of Mexican and Canadian subsidiaries who</p> <p>24 report to Daniel?</p> <p>25 A. Not to my knowledge. Not that I'm aware</p>	<p>1 Q. What is functional excellence, just as the</p> <p>2 term?</p> <p>3 A. Right. I explained that earlier to be it</p> <p>4 makes sense for our company to share best practice</p> <p>5 for the purposes of efficiency and making sure that</p> <p>6 where appropriate we have alignment. And so when</p> <p>7 you're talking about a function, you know, many</p> <p>8 things are done in a common way, whether in the</p> <p>9 U.S. or Canada or another country. So it's just</p> <p>10 looking for those efficiency opportunities to still</p> <p>11 provide the desired service of the function. So</p> <p>12 communication and networking are a key part of</p> <p>13 doing that well.</p> <p>14 Q. Have we concluded all the people who have a</p> <p>15 direct reporting obligation to you?</p> <p>16 A. I think I may have left one out, but it's</p> <p>17 not coming to me right now. But if I think of it,</p> <p>18 I'll come back and clarify it for you.</p> <p>19 Q. How often do you travel to Basel?</p> <p>20 A. I travel about every other month, so six</p> <p>21 to seven trips a year probably on average. This is</p> <p>22 my first year. But that's what the schedule's been</p> <p>23 this year.</p> <p>24 Q. And how long do you stay there?</p> <p>25 A. Usually two days of meetings.</p>

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<p>1 Q. And those meetings are with whom?</p> <p>2 A. They typically are John Atkin's global</p> <p>3 crop protection leadership team where we exchange</p> <p>4 information about how the business is performing</p> <p>5 with the customer, what the customer issues are,</p> <p>6 opportunities.</p> <p>7 Q. Did you have any personal interaction with</p> <p>8 the global HR department in Basel during the process</p> <p>9 of becoming president of Syngenta Crop Protection,</p> <p>10 Inc.?</p> <p>11 A. I did not have any directly with the HR</p> <p>12 department.</p> <p>13 Q. Okay. Who actually presented you with your</p> <p>14 compensation package?</p> <p>15 A. John Atkin I believe did. I may have</p> <p>16 gotten an e-mail from somebody in HR to follow it</p> <p>17 up. But John would have been the one that extended</p> <p>18 the offer.</p> <p>19 Q. Do you receive stock-based compensation as</p> <p>20 president of Syngenta Crop Protection, Inc.?</p> <p>21 A. I do.</p> <p>22 Q. And that's of Syngenta AG stock?</p> <p>23 A. I don't believe it is. I have the ADR.</p> <p>24 Q. ADR?</p> <p>25 A. But I don't know for sure. It's American</p>	<p>1 Q. Is he also a member of the Syngenta Crop</p> <p>2 Protection, Inc. board?</p> <p>3 A. I don't know for sure. But John is on</p> <p>4 one of the boards that I belong to, and I think it</p> <p>5 is that particular one. But I'm not sure.</p> <p>6 Q. How many boards are you on?</p> <p>7 A. I'm on two that have formal decision</p> <p>8 power. We have the Canadian one I mentioned.</p> <p>9 Q. The Canadian company?</p> <p>10 A. Right.</p> <p>11 Q. And --</p> <p>12 A. And Syngenta Crop Protection, Inc.</p> <p>13 Q. And Syngenta Crop Protection, Inc.?</p> <p>14 A. And most of the other things that we</p> <p>15 do --</p> <p>16 Q. Excuse me, sir.</p> <p>17 A. Okay.</p> <p>18 MR. TILLERY: Let's go off for just a</p> <p>19 second.</p> <p>20 THE VIDEOGRAPHER: Going off the record.</p> <p>21 The time is 11:06.</p> <p>22 (A BRIEF RECESS WAS TAKEN.)</p> <p>23 THE VIDEOGRAPHER: We're back on the</p> <p>24 record. The time is 11:23 and eight seconds.</p> <p>25 Please continue.</p>
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<p>1 Depository Receipt, what that stands for, which</p> <p>2 means it's not a Swiss share.</p> <p>3 Q. So do you know what stock you're getting,</p> <p>4 which entity's stock you're getting?</p> <p>5 A. I don't.</p> <p>6 Q. Okay. It's not Syngenta Crop Protection,</p> <p>7 Inc., is it?</p> <p>8 A. I don't know.</p> <p>9 Q. Do you know who owns the shares of stock of</p> <p>10 Syngenta Crop Protection, Inc.?</p> <p>11 A. No, I don't. I don't know.</p> <p>12 Q. Do you know who employs John Atkin?</p> <p>13 A. I don't know which entity employs him, if</p> <p>14 that's what you're asking. I know he reports to</p> <p>15 Mike Mack.</p> <p>16 Q. Do you know what his job title is?</p> <p>17 A. I believe I do.</p> <p>18 Q. What is it?</p> <p>19 A. He's COO of crop protection.</p> <p>20 Q. Okay.</p> <p>21 MR. POPE: Steve, you want to take a</p> <p>22 break.</p> <p>23 MR. TILLERY: No, I'm okay.</p> <p>24 Q. What entity is he COO of?</p> <p>25 A. I don't know for sure.</p>	<p>1 Q. You said you were on the board of a</p> <p>2 Canadian subsidiary. Who else is on that board with</p> <p>3 you?</p> <p>4 A. I don't recall the full membership.</p> <p>5 Certainly the legal person in Canada, you know, the</p> <p>6 head of Canada, finance head of Canada would be on.</p> <p>7 There are a few others, but I don't recall the full</p> <p>8 list.</p> <p>9 Q. Who owns that Canadian subsidiary?</p> <p>10 A. I don't know.</p> <p>11 Q. Do you know who's on the board of the</p> <p>12 Mexican subsidiary?</p> <p>13 A. I don't.</p> <p>14 Q. Do you know who owns the Mexican</p> <p>15 subsidiary?</p> <p>16 A. No.</p> <p>17 Q. Does Syngenta Crop Protection, Inc. own</p> <p>18 either of them?</p> <p>19 A. I don't know.</p> <p>20 Q. How often do you have contact with John</p> <p>21 Atkin?</p> <p>22 A. Formally meetings --</p> <p>23 Q. In any way.</p> <p>24 A. Right. In the meetings, as I said, every</p> <p>25 other month I'll talk to or exchange e-mails with</p>

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<p>1 John a few times a month. Certainly there are</p> <p>2 certain meetings where our communication will be</p> <p>3 more fluid around preparing for meetings like</p> <p>4 budget discussions and so forth.</p> <p>5 Q. When you have meetings of your NAFTA group,</p> <p>6 your leadership team, how do you conduct those</p> <p>7 meetings, in person or by telephone?</p> <p>8 How do you do that?</p> <p>9 A. I do those in person. We don't meet</p> <p>10 frequently. Probably three times a year on</p> <p>11 average. And I would lead those meetings or assign</p> <p>12 people to lead certain portions of the meetings</p> <p>13 face-to-face.</p> <p>14 Q. Are you a member of any global teams or</p> <p>15 groups?</p> <p>16 A. I mentioned the global crop protection</p> <p>17 leadership team. So I am a member of that team,</p> <p>18 which includes all the regions that report to John</p> <p>19 Atkin. There is a -- I don't remember the exact</p> <p>20 name of it, but it's a people development</p> <p>21 management group for some of our highest potential</p> <p>22 talents, which I'm a member of.</p> <p>23 Q. Where does that group meet?</p> <p>24 A. That meeting is typically couple times a</p> <p>25 year added onto the CPLT meeting when I'm already</p>	<p>1 A. I'm sure there were some formalities.</p> <p>2 But yes they came with the position.</p> <p>3 Q. Who are the members of the Crop Protection</p> <p>4 Leadership Team?</p> <p>5 A. Well, the Syngenta Crop Protection, Inc.</p> <p>6 I think I explained to you the -- the leadership</p> <p>7 team. People that -- I'm not sure I directly</p> <p>8 mentioned who's the head of finance. I referenced</p> <p>9 that. But that person's name is Jason Fogden.</p> <p>10 Q. You're talking about the Syngenta or NAFTA</p> <p>11 crop protection team?</p> <p>12 A. Right. The NAFTA regional --</p> <p>13 Q. What about the global team called Crop</p> <p>14 Protection Leadership Team?</p> <p>15 A. I'm not sure I know the makeup of --</p> <p>16 Q. Are you on that team?</p> <p>17 A. I'm only on the Crop Protection</p> <p>18 Leadership Team.</p> <p>19 Q. At Syngenta Crop Protection, Inc.?</p> <p>20 A. No, I mentioned the -- I'm a crop --</p> <p>21 Syngenta Crop Protection, Inc. employee.</p> <p>22 Q. Right.</p> <p>23 A. And John Atkin has the Crop Protection</p> <p>24 Leadership Team, which I'm a member of.</p> <p>25 Q. Right. That's what I'm asking about.</p>
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<p>1 in Basel.</p> <p>2 Q. Who leads that group meeting?</p> <p>3 A. The head of HR and John Atkin I believe</p> <p>4 co-chair it formally.</p> <p>5 Q. The global Crop Protection Leadership Team</p> <p>6 meets in Basel?</p> <p>7 A. Usually it does, yes.</p> <p>8 Q. Were you a board member before you became</p> <p>9 president of Syngenta Crop Protection, Inc.?</p> <p>10 A. A board member of?</p> <p>11 Q. Of any board.</p> <p>12 A. No. We actually did trigger a thought</p> <p>13 though. The Syngenta corporate board is another</p> <p>14 board I am on, which is the one that I was</p> <p>15 explaining Jessica Adelman has broader scope.</p> <p>16 Q. So you're on the boards of three companies?</p> <p>17 A. Three boards.</p> <p>18 Q. Three different boards of three companies?</p> <p>19 A. I'm not sure there's a company related to</p> <p>20 the Syngenta corporation board, which is the one</p> <p>21 that Jessica Adelman is part of. It includes</p> <p>22 people from seeds, our biotech institute and crop</p> <p>23 protection. That would be the third one.</p> <p>24 Q. Did those come automatically when you</p> <p>25 became president of Syngenta Crop Protection, Inc.?</p>	<p>1 Who's on that team?</p> <p>2 A. The other region heads for crop</p> <p>3 protection. So there's one from Asia Pacific, one</p> <p>4 from Europe, Africa, Middle East, there's one from</p> <p>5 Latin America and myself. And there are a few</p> <p>6 other members from the global marketing team, the</p> <p>7 global development leadership. I believe there's a</p> <p>8 global supply chain representative and a legal</p> <p>9 representative that attend the meetings regularly.</p> <p>10 Q. And these are the meetings you have when</p> <p>11 you go to Basel?</p> <p>12 A. When I go to -- for the Crop Protection</p> <p>13 Leadership Team, yes.</p> <p>14 Q. And you have these about how many times a</p> <p>15 year?</p> <p>16 A. About six to seven based on 2010's</p> <p>17 experience.</p> <p>18 Q. Who decides who will be part of that global</p> <p>19 team?</p> <p>20 A. I don't know. But I would -- John Atkin</p> <p>21 chairs the committee.</p> <p>22 Q. What is your specific role on that team?</p> <p>23 A. My role is to communicate what's</p> <p>24 occurring in NAFTA; U.S., Canada and Mexico. We</p> <p>25 often will discuss where the performance of the</p>

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<p>1 business is, what the competitor issues are. So</p> <p>2 I'm largely educating John and the team about what</p> <p>3 decisions we're making and why.</p> <p>4 Q. Are there minutes of those meetings?</p> <p>5 A. There are.</p> <p>6 Q. Are there agendas created in advance of the</p> <p>7 meetings?</p> <p>8 A. There are.</p> <p>9 Q. Who creates the agenda?</p> <p>10 A. John Atkin is the chair. I'm not sure</p> <p>11 that he creates them himself. But he's</p> <p>12 accountable.</p> <p>13 Q. And by whom are the minutes maintained?</p> <p>14 A. There is a secretary committee</p> <p>15 representing legal that issues the minutes for</p> <p>16 approval.</p> <p>17 Q. Out of Basel?</p> <p>18 A. She's located in Basel, yes.</p> <p>19 Q. Does she work for Mr. Maeder's office?</p> <p>20 A. I don't know.</p> <p>21 Q. Are they distributed to all the members of</p> <p>22 the global protection team, leadership team?</p> <p>23 A. The -- all the members of the committee,</p> <p>24 yes, that attend regularly.</p> <p>25 Q. Do you discuss budgets at those meetings?</p>	<p>1 entities in other parts of the world?</p> <p>2 A. The only interaction that I typically</p> <p>3 have would be at the Crop Protection Leadership</p> <p>4 Team meeting. Occasionally I will make a visit to</p> <p>5 Brazil, for example, to understand what</p> <p>6 developments are occurring. But that would be once</p> <p>7 a year at best.</p> <p>8 Q. Brazil is not included within your NAFTA</p> <p>9 jurisdiction, is it?</p> <p>10 A. It is not.</p> <p>11 Q. Who heads up the Latin America operations</p> <p>12 for all of the companies?</p> <p>13 A. The person that has a like position to</p> <p>14 mine in Latin America is Antonio Guimaraes. I</p> <p>15 don't know what his full scope of accountabilities</p> <p>16 are --</p> <p>17 Q. He reports to somebody in Basel?</p> <p>18 A. I don't know. He is a peer of mine, so</p> <p>19 he's on John Atkin's team. But I don't know his</p> <p>20 actual reporting relationship.</p> <p>21 Q. What is the role of Syngenta International</p> <p>22 AG within the group of Syngenta companies?</p> <p>23 A. I don't know.</p> <p>24 Q. You attend meetings where Syngenta</p> <p>25 employees from Basel are present?</p>
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<p>1 A. We don't discuss setting the budgets. We</p> <p>2 do discuss how we're performing against budget.</p> <p>3 This is the time of year when budgets are set. So</p> <p>4 we're certainly discussing what would be an</p> <p>5 appropriate level of performance the company should</p> <p>6 aspire for. But the budgets are set between myself</p> <p>7 and John Atkin, and then we manage all the pricing,</p> <p>8 customer decisions through Syngenta Crop</p> <p>9 Protection, Inc. As you might expect, line item</p> <p>10 assumptions never are completely accurate. So our</p> <p>11 real value is having a connection with the</p> <p>12 customer, making the right decisions on sales,</p> <p>13 pricing and volume.</p> <p>14 Q. Do you interact with any Syngenta employees</p> <p>15 in Basel besides Mr. Atkin?</p> <p>16 A. I mentioned the members of the Crop</p> <p>17 Protection Leadership Team, and so I would have</p> <p>18 interaction with other members of that team that</p> <p>19 are located in Basel.</p> <p>20 Q. Anybody else in Basel you interact with?</p> <p>21 A. Not on a regular basis. I did mention</p> <p>22 the Syngenta corporate board, John Ramsey and</p> <p>23 Christoph Maeder are on that board. So that meets</p> <p>24 once or twice a year usually, via telephone.</p> <p>25 Q. Do you interact with any of the Syngenta</p>	<p>1 A. I probably have attended meetings where</p> <p>2 there are employees from Basel. But I don't</p> <p>3 typically -- I can't recall organizing a meeting</p> <p>4 for Basel employees. There are a number of folks</p> <p>5 who visit the site who might come to what we would</p> <p>6 call a town meeting where I'm giving an update on</p> <p>7 the state of the business to all our employees.</p> <p>8 They might be in the audience.</p> <p>9 Q. Do the Basel employees come to Syngenta</p> <p>10 Crop Protection, Inc. in Greensboro for meetings as</p> <p>11 well?</p> <p>12 A. Occasionally they certainly would.</p> <p>13 Q. And who would those people be?</p> <p>14 A. Well, if I maybe take one example, if</p> <p>15 that's all right. I couldn't speak to every</p> <p>16 situation, but we would have a marketing team</p> <p>17 meeting, which might be in the U.S., it might be in</p> <p>18 Basel where the NAFTA marketing employees of</p> <p>19 Syngenta Crop Protection, Inc. would have a</p> <p>20 discussion with the people from global marketing</p> <p>21 around, you know, what opportunities we're pursuing</p> <p>22 and why. And that would be one example. And you</p> <p>23 might have similar meetings from other functions.</p> <p>24 Q. Are these employees that you just mentioned</p> <p>25 from Basel who come to Greensboro typically employees</p>

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<p>1 of a global business operations role within the 2 Syngenta group of companies? 3 A. No. They would be -- typically in the 4 case -- 5 MR. POPE: Let him -- let him finish both 6 his question and his cough before you answer. 7 Q. Now, start over if you don't mind. 8 A. So if I reference the marketing example 9 again. Let's say the global marketing group is 10 responsible for strategy development for the globe, 11 and we're accountable for local implementation and 12 execution of strategy. So that would be the 13 typical interface that global and Syngenta Crop 14 Protection, Inc. would be dialoguing about. 15 Q. Well, give me an idea of the people who 16 have come in the last three months from Basel in the 17 meetings at Syngenta Crop Protection, Inc.? 18 A. I wouldn't have visibility of how many 19 have come. I do know that we would have an annual 20 product line team meeting, which was the example I 21 was referencing. So a global product manager would 22 be the typical kind of person that would come and 23 engage in that meeting. Much like the position I 24 explained to you that I had earlier in my career. 25 Q. What does a global product manager do, the</p>	<p>1 A. I don't recall who the resolution came 2 from. 3 Q. Did it come by e-mail? 4 A. The one I'm recalling did come by e-mail. 5 Q. Did you then just print this and sign it? 6 A. I would have had to have signed it -- 7 signed it, the one I'm recalling, yes. I would 8 have printed it out and probably did have to send a 9 formal copy back. 10 Q. You're talking about Syngenta Crop 11 Protection, Inc., right? 12 A. Syngenta Crop Protection, Inc. 13 Q. Okay. What about the other boards, the two 14 Syngenta Corporation and the Canadian subsidiary, 15 have you had meetings since you've been on the boards 16 of those companies? 17 A. We have had meetings. Typically by 18 conference call. 19 Q. Okay. And are there minutes of those 20 meetings? 21 A. There are minutes to both boards, yes. 22 Q. Okay. And who sits on the board of Syngenta 23 Corporation with you? 24 A. The -- I won't recall the full 25 membership. But I think I referenced the NAFTA</p>
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<p>1 same sorts of things you told me before? 2 A. Develop strategy for the globe, make sure 3 that there's an -- a good understanding of the 4 opportunities so we pursue the right direction. 5 Q. How many meetings have you attended of the 6 board of Syngenta Crop Protection, Inc. since you've 7 been president of Syngenta Crop Protection, Inc.? 8 A. I don't recall us having a meeting in 9 person or phone. We may have had a few decisions 10 via e-mail. 11 Q. And that would be a unanimous consent that 12 you would have signed? 13 A. Typically is, yes. It's only one I 14 recall, actually. 15 Q. Okay. Do you know if your predecessor as 16 president of Syngenta Crop Protection, Inc., Mr. 17 Fischer, also sat on the same boards that you 18 currently sit on? 19 A. I don't know if he sat on all of them. 20 But I know he did sit on some of them. Because the 21 minutes would have reflected that. 22 Q. In this meeting or meetings that you said 23 you remember taking unanimous consent at Syngenta 24 Crop Protection, Inc., who proposed the resolutions 25 to you as a board member?</p>	<p>1 leader for seeds, the head of our biotech 2 institute, Jessica Adelman, Cheryl Quain is the 3 legal secretary on the team. And I mentioned that 4 John Ramsey and Christoph Maeder are on it. There 5 are a couple other attendees or members. I don't 6 recall the full set though. 7 Q. And how many times have you had meetings? 8 A. I don't recall specifically, but in the 9 order of two to three. 10 Q. Were those in-person meetings? 11 A. No, they were not. 12 Q. They were telephone? 13 A. Yes. 14 Q. Do you remember the topics of discussion? 15 A. Not the full set, no. 16 Q. Do you remember how long the meetings 17 lasted? 18 A. They varied. But less than a half a day. 19 Q. Okay. Were board actions taken? 20 A. They were. 21 Q. Were they by unanimous consent? 22 A. Not all of them, I don't believe. But 23 I'm not sure without going back and reviewing the 24 minutes. 25 Q. Who writes the memos for the Syngenta</p>

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<p>1 Corporation board resolutions?</p> <p>2 A. I'm not sure who writes the memos.</p> <p>3 Q. Does Syngenta Crop Protection, Inc. have</p> <p>4 any subsidiaries?</p> <p>5 A. I'm not sure.</p> <p>6 Q. If you're not sure, you wouldn't know if</p> <p>7 they had boards of directors, would you, if you don't</p> <p>8 know?</p> <p>9 A. I mentioned the boards that I'm on.</p> <p>10 Q. Okay. But you don't know whether those are</p> <p>11 owned by Syngenta Crop Protection, Inc. or by whom,</p> <p>12 do you?</p> <p>13 A. I don't --</p> <p>14 Q. All right.</p> <p>15 A. -- in my role, so.</p> <p>16 Q. Are you familiar with the term senior</p> <p>17 management group as it is used within the Syngenta</p> <p>18 group of companies?</p> <p>19 A. I am familiar with the senior management</p> <p>20 group term, yes.</p> <p>21 Q. What's that mean?</p> <p>22 A. The -- I don't know what it means in its</p> <p>23 entirety. It certainly is a group of employees</p> <p>24 that would receive different benefits than other --</p> <p>25 other members of the company. But I couldn't</p>	<p>1 levels.</p> <p>2 Q. Are you a member of the SMG?</p> <p>3 A. I am as well, yes.</p> <p>4 Q. And you're paid according to a senior</p> <p>5 management group?</p> <p>6 A. As I say, the senior management group is</p> <p>7 about the levels of incentive and in some cases</p> <p>8 types of incentives that would be available. So I</p> <p>9 would be a member of that group. And my incentive</p> <p>10 levels may be the same or different than other</p> <p>11 members of that team or of that group of people.</p> <p>12 Q. Is this senior management group you're</p> <p>13 identifying now the senior management group for</p> <p>14 Syngenta Crop Protection, Inc.?</p> <p>15 A. The ones that I specifically --</p> <p>16 Q. Yes.</p> <p>17 A. -- identified, yes.</p> <p>18 Q. Are you aware of the senior management</p> <p>19 group for the entire Syngenta group of companies?</p> <p>20 A. I think as I communicated earlier is</p> <p>21 there are other members with SMG status around the</p> <p>22 world. And the SMG is about a level of incentive</p> <p>23 that are made available to that group of employees,</p> <p>24 whether it be from Syngenta Crop Protection, Inc.</p> <p>25 or another part of the world if it was appropriate</p>
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<p>1 explain the full differentiation to you.</p> <p>2 Q. Do you know who the senior management group</p> <p>3 is?</p> <p>4 A. No. I certainly know members of the</p> <p>5 senior management group, but I couldn't tell you</p> <p>6 who all is included in it.</p> <p>7 Q. Who are the members of the senior</p> <p>8 management group that you know?</p> <p>9 A. I would know my direct reports that are</p> <p>10 part of the group.</p> <p>11 Q. And who's that?</p> <p>12 A. I would need to check a list, but the</p> <p>13 business unit heads that I mentioned previously</p> <p>14 would be. And I believe the full set of RLT</p> <p>15 members, regional leadership team members that I</p> <p>16 mentioned are also SMG level. I need to check, but</p> <p>17 I think most if not all of my team is SMG.</p> <p>18 Q. So it's your understanding that the senior</p> <p>19 management group term applies to Syngenta Crop</p> <p>20 Protection, Inc.?</p> <p>21 A. Not specifically. But we do have</p> <p>22 Syngenta Crop Protection, Inc. employees that</p> <p>23 receive the benefits under the SMG status.</p> <p>24 Q. What is the SMG benefit?</p> <p>25 A. It tends to be related to incentive</p>	<p>1 for the employees to earn those incentive</p> <p>2 opportunities.</p> <p>3 Q. And how do these -- these incentive</p> <p>4 opportunities work?</p> <p>5 A. Well, as I discussed previously, it would</p> <p>6 tend to be options for stock or it would tend to be</p> <p>7 cash incentive levels related to business</p> <p>8 performance in the area of accountability.</p> <p>9 Q. Who makes these incentives available to</p> <p>10 members of the senior management group?</p> <p>11 A. The -- I don't know where they're paid</p> <p>12 from. But they're certainly communicated as part</p> <p>13 of the compensation package that all employees</p> <p>14 would get in my team. So I would communicate to my</p> <p>15 direct reports their incentive package, whether</p> <p>16 they're SMG or whether they're not SMG.</p> <p>17 Q. But if these are stock options that are not</p> <p>18 coming from Syngenta Crop Protection, Inc., who makes</p> <p>19 that money or those stock options available so that</p> <p>20 you can provide that to people within Syngenta Crop</p> <p>21 Protection, Inc.?</p> <p>22 A. I don't know, as I say, where they are</p> <p>23 funded from. But clearly we have a HR policy,</p> <p>24 which the SMG is one classification of. And that,</p> <p>25 you know, dictates what is el -- what employees are</p>

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<p>1 eligible to earn.</p> <p>2 Q. You're talking about a worldwide HR policy</p> <p>3 for Syngenta employees who are at a senior management</p> <p>4 group level from different entities around the world?</p> <p>5 A. The SMG, as I say, is a level of</p> <p>6 incentive structure. And it's not the same in the</p> <p>7 U.S. as it is in other parts of the world because</p> <p>8 the compensation system is about competitive pay in</p> <p>9 the market. So we call that kind of market pay.</p> <p>10 So the fact that I would be at a level in the U.S.</p> <p>11 doesn't mean that the same level of incentives</p> <p>12 would be offered if I had the same position in</p> <p>13 another region.</p> <p>14 Q. Yeah, that's not what I'm asking you</p> <p>15 though. I'm asking who it is within the Syngenta</p> <p>16 umbrella of companies who provides the actual</p> <p>17 monetary benefit for these senior management group</p> <p>18 employees?</p> <p>19 A. And I don't know.</p> <p>20 Q. You don't know who it is?</p> <p>21 It's not Syngenta Crop Protection, Inc., is</p> <p>22 it?</p> <p>23 A. I don't know.</p> <p>24 Q. Well, you're the president of that company?</p> <p>25 A. Right.</p>	<p>1 just a calculation of the base share in Swiss, and</p> <p>2 I think it's five to one.</p> <p>3 Q. Of Swiss what?</p> <p>4 A. Swiss shares.</p> <p>5 Q. Of what company?</p> <p>6 A. I don't know. Syngenta.</p> <p>7 Q. Syngenta what?</p> <p>8 A. I said I don't know which company it is.</p> <p>9 Q. Okay. Is it your belief that what you're</p> <p>10 getting as a stock option are these other people in</p> <p>11 the senior management group are getting as a stock</p> <p>12 option comes from Syngenta Crop Protection, Inc.?</p> <p>13 A. I don't know what other people think and</p> <p>14 -- as I say, I'm not sure of how it's funded. But</p> <p>15 clearly it's, as I mentioned, based off of the</p> <p>16 Swiss exchange before it turns into American</p> <p>17 Depository Receipt.</p> <p>18 Q. Who ultimately approves the compensation</p> <p>19 packages for senior management group employees?</p> <p>20 A. Well, I would approve my direct reports.</p> <p>21 If I was to hire a new employee, I certainly would</p> <p>22 consult with John, who probably has a conversation</p> <p>23 with HR to make sure it's appropriately positioned.</p> <p>24 Q. When you say John?</p> <p>25 A. John Atkin.</p>
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<p>1 Q. Do you know that stock options aren't</p> <p>2 coming out Syngenta Crop Protection, Inc., are they?</p> <p>3 A. Well, I mentioned to you that the</p> <p>4 differentiation, there's the New York Stock</p> <p>5 Exchange, there's the Swiss exchange. And the U.S.</p> <p>6 employees do receive the American depository shares</p> <p>7 or receipts --</p> <p>8 Q. Yeah, but not from Syngenta Crop</p> <p>9 Protection, Inc.?</p> <p>10 MR. POPE: Let him finish.</p> <p>11 A. I don't know.</p> <p>12 Q. Okay.</p> <p>13 MR. POPE: Don't argue with him.</p> <p>14 A. So the fact that there are different</p> <p>15 shares, I don't know how those are funded or</p> <p>16 provided from a corporate entity standpoint.</p> <p>17 Q. Do you know if Syngenta Crop Protection,</p> <p>18 Inc., the company you work for, is publically traded</p> <p>19 or not?</p> <p>20 A. Under the entity name, I don't know.</p> <p>21 Q. So is it your thinking that these shares</p> <p>22 you may be getting are from Syngenta Crop Protection,</p> <p>23 Inc.?</p> <p>24 A. Well, the -- I do know a little bit about</p> <p>25 how the American Depository Receipt works. It's</p>	<p>1 Q. Okay. And when he has -- consults with HR,</p> <p>2 who are you talking about?</p> <p>3 A. The head of global HR is Caroline</p> <p>4 Luscombe.</p> <p>5 Q. Okay.</p> <p>6 A. So I don't know if he speaks with her or</p> <p>7 somebody else.</p> <p>8 Q. Do you know if there's another senior</p> <p>9 management group for the entire Syngenta group of</p> <p>10 companies?</p> <p>11 A. Not that I'm aware of.</p> <p>12 MR. TILLERY: Could you give me your</p> <p>13 stickers, please.</p> <p>14 Thank you very much.</p> <p>15 THE COURT REPORTER: You're welcome.</p> <p>16 (Plaintiff's Exhibit Number 1: E-mail string</p> <p>17 with the top from Tobias Meili dated 6/27/08,</p> <p>18 Bates GRNVL0000085568 - 5572 marked for</p> <p>19 identification, as of this date.)</p> <p>20 Q. I'll hand you what's been marked as Exhibit</p> <p>21 Number 1. When we talk about these depositions</p> <p>22 during -- I'm sorry, these exhibits during the course</p> <p>23 of the deposition, we'll mark them as a number for</p> <p>24 your deposition. This is number one. But we'll also</p> <p>25 reference, if you look in the bottom of the exhibit,</p>

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<p>1 a Bates number, okay? And that way if we're -- as we</p> <p>2 proceed, we can reference this particular page of the</p> <p>3 exhibit.</p> <p>4 So in this case the first page of Exhibit I</p> <p>5 is 5568. That's the last four numbers of that</p> <p>6 exhibit Bates number.</p> <p>7 A. Okay.</p> <p>8 Q. Do you understand what I'm saying?</p> <p>9 A. I do.</p> <p>10 Q. Just so you get the -- now, could you take</p> <p>11 a look at this exhibit, please.</p> <p>12 This is a Greenville number, by the way, as</p> <p>13 opposed to a Syngenta number.</p> <p>14 Okay?</p> <p>15 A. Okay.</p> <p>16 Q. This document reflects the delegations of</p> <p>17 authority with respect to the organization and</p> <p>18 management of group companies as of June of 2008,</p> <p>19 doesn't it, sir?</p> <p>20 A. That's what it says, yes.</p> <p>21 Q. All right. And the group companies just</p> <p>22 means the Syngenta AG subsidiaries, doesn't it?</p> <p>23 A. Well, it says regulations governing the</p> <p>24 internal organization of Syngenta AG, so all the</p> <p>25 components of that.</p>	<p>1 A. I did. I spoke to John Atkin first, as I</p> <p>2 mentioned. And then Johns asked me to come over</p> <p>3 and meet with Mike.</p> <p>4 Q. Okay. Come over meaning come over to Basel?</p> <p>5 A. To Basel.</p> <p>6 Q. And look -- continuing to the look at the</p> <p>7 table, the table also lists SEC members as having the</p> <p>8 authority for recommendation appointment of functions</p> <p>9 one level below the heads of group companies, doesn't</p> <p>10 it?</p> <p>11 A. That's what the document says, yes.</p> <p>12 Q. And SEC is what here?</p> <p>13 A. The body that I had referenced before</p> <p>14 that Syngenta executive committee has outlined in</p> <p>15 the document.</p> <p>16 Q. Okay. So SEC members have the authority to</p> <p>17 recommend or appoint functions one level below you,</p> <p>18 don't they?</p> <p>19 A. That's what the document says, yes.</p> <p>20 Q. And you don't have any -- this was a</p> <p>21 document, I'm going to represent to you, produced to</p> <p>22 us, if you look at the page in discovery, sent by</p> <p>23 Tobias Meili to Beth Quarles, and a document that's</p> <p>24 been marked in other depositions.</p> <p>25 Do you recommend a name for the people</p>
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<p>1 Q. Right. Correct.</p> <p>2 And the table, if you look at the page 69,</p> <p>3 the second page of the document, table lists the CEO</p> <p>4 of the Syngenta group of companies as having the</p> <p>5 authority for recommendation appointment of heads of</p> <p>6 group companies, doesn't it?</p> <p>7 A. Management of group companies</p> <p>8 recommendation/appointment. It says the CEO.</p> <p>9 Q. CEO.</p> <p>10 A. That's what the document says.</p> <p>11 Q. Okay. All right. So the CEO has the</p> <p>12 authority to recommend or appoint the heads of</p> <p>13 Syngenta AG subsidiaries, including Syngenta Crop</p> <p>14 Protection, Inc., correct?</p> <p>15 A. That's what the document says.</p> <p>16 Q. All right. And the CEO of Syngenta is Mike</p> <p>17 Mack, isn't he?</p> <p>18 A. It is Mike Mack.</p> <p>19 Q. Do you know whether Mike Mack recommended</p> <p>20 your appointment as president of Syngenta Crop</p> <p>21 Protection, Inc.?</p> <p>22 A. I don't know if Mike recommended me. But</p> <p>23 Mike was certainly aware that I was the recommended</p> <p>24 candidate.</p> <p>25 Q. You met with him, didn't you?</p>	<p>1 directly below you for appointment of a certain in</p> <p>2 one of these heads of positions that -- in your</p> <p>3 direct reporting that you've described?</p> <p>4 MR. POPE: Is your question does he?</p> <p>5 MR. TILLERY: Yes.</p> <p>6 MR. POPE: Like on a regular basis?</p> <p>7 Okay.</p> <p>8 A. Absolutely.</p> <p>9 Q. You recommend that person?</p> <p>10 A. Absolutely. In the last -- as I took on</p> <p>11 my new role as head of NAFTA crop protection --</p> <p>12 Syngenta Crop Protection, Inc. I appointed via</p> <p>13 recommendation business unit head Tommy Jackson,</p> <p>14 which I mentioned to you previously, and the U.S.</p> <p>15 commercial operations head Corey Huck.</p> <p>16 Q. And you followed this guideline, didn't</p> <p>17 you?</p> <p>18 A. I spoke with John about who I</p> <p>19 recommended, yes.</p> <p>20 Q. And you spoke to John Atkin?</p> <p>21 A. John Atkin, yes.</p> <p>22 Q. And John Atkin then approved going forward</p> <p>23 with those people, didn't he?</p> <p>24 A. John did agree to let me proceed with my</p> <p>25 recommendation.</p>

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<p>1 Q. Okay. And have there been any others 2 besides those two since you've been president? 3 A. Not since I've been president. But I 4 would say prior to my presidential role, it would 5 have operated in a similar way. 6 Q. With you? 7 A. With my peers being appointed. 8 Q. And the then president of Syngenta Crop 9 Protection, Inc., your immediate predecessor 10 following the same protocol that you have in your 11 hand? 12 MR. POPE: Objection to form of the 13 question. I don't think you asked a question. 14 I think you made a statement. 15 Q. Do you understand me? 16 A. No. 17 Q. You said that your peers -- let me see what 18 you said exactly. Prior to my presidential role it 19 would have operated in a similar way. 20 A. Right. So let me explain that. 21 Q. Well, that's all right. I'm going to get 22 to -- hold on one second. We have a little technical 23 issue. 24 MR. POPE: You're stopping him from 25 explaining his answer?</p>	<p>1 Q. Who are the people at a function one level 2 below you? 3 A. Well, each of the members I mentioned on 4 the regional leadership team for NAFTA would have a 5 management team or a leadership team. So there are 6 a large number of people. 7 Q. One functional level below you? 8 A. So -- 9 Q. Or people who function one level below you? 10 A. Well, if you're talking one level below 11 me, it would be the regional leadership team. 12 Q. All right. And how many of those people 13 are there? 14 A. There's 16 or 17. I think I went through 15 the names. I'm not sure I got -- 16 Q. You said you thought you might have one 17 missing. 18 A. Right. So 16 or 17 I think is the 19 number. 20 Q. Okay. 21 A. We do have a -- I mentioned Beth Quarles, 22 legal, which I'm not sure I said in the first 23 summary. 24 Q. You didn't mention her before. 25 A. Okay. And Eric Kuhn we put on a special</p>
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<p>1 MR. TILLERY: No, I'm -- he's going 2 ahead. He's not answering my question. 3 A. I was going -- I was going to try. 4 Q. Well, here's my question: My question is, 5 do you know whether or not before you became 6 president this was the manner in which the operations 7 were conducted? 8 A. The -- before I took on the U.S. 9 commercial operations role, all the business units 10 reported to the president of Syngenta Crop 11 Protection, Inc. So this is, you know, five years 12 ago. So at that time I know that a conversation 13 would have been had with John Atkin around who is 14 being proposed to run the business units. 15 Q. Okay. Did you have contact with John Atkin 16 during that period of time prior to becoming 17 president of Syngenta Crop Protection, Inc.? 18 A. Related to that recommendation, no. 19 Q. No, related to anything? 20 A. Well, I would see John once or twice a 21 year, John Atkin, at a global leadership conference 22 or if John happened to be making a customer visit 23 to understand the marketplace, you know, I would be 24 a host to take him around to all the customers I 25 was accountable for.</p>	<p>1 project a year ago reporting to me, and he leads 2 our triazines management for NAFTA. 3 Q. Does he function one level below you as 4 head of -- as head of NAFTA? 5 A. He reports to me, yes. 6 Q. And who does he -- who is he employed by? 7 A. Syngenta Crop Protection, Inc. 8 Q. Okay. So the people you just identified, 9 the 16 people, are they the people, as far as you 10 understand, that are contemplated by this exhibit you 11 have in front of you, page two? 12 MR. POPE: Objection to form of the 13 question. 14 Q. When they say functions one level below 15 heads of GCs. 16 MR. POPE: Objection to the form of the 17 question. He hasn't said he has any 18 understanding what they mean by this document. 19 A. John Atkin, as I mentioned, in the case 20 of the commercial folks, I would have a discussion 21 with. In the case of the functions, I don't know 22 the reporting relationships to say if that same 23 discussion is occurring or should be occurring. 24 Q. When these people, these two people who you 25 recommended to Mr. Atkin for employment, what were</p>

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<p>1 their names again?</p> <p>2 A. Corey Huck.</p> <p>3 Q. Corey Huck?</p> <p>4 A. And U.S. commercial operations head.</p> <p>5 Q. Okay.</p> <p>6 A. And Tommy Jackson.</p> <p>7 Q. Tommy Jackson?</p> <p>8 A. Head of the northern field crops business</p> <p>9 unit.</p> <p>10 Q. What were their jobs before they took those</p> <p>11 roles?</p> <p>12 A. Corey Huck was running one of the</p> <p>13 business units in northern field crops. And Tommy</p> <p>14 Jackson was running the eastern Canadian business.</p> <p>15 Q. And their salary when they came in, did it</p> <p>16 stay the same or increase?</p> <p>17 A. It did increase.</p> <p>18 Q. And according to the program, that was</p> <p>19 approved by Mr. Atkin or by HR?</p> <p>20 A. I would have worked with local HR,</p> <p>21 Syngenta Crop Protection, Inc., and we would have</p> <p>22 sent over a recommended compensation package --</p> <p>23 Q. To whom?</p> <p>24 A. -- which John Atkin would have looked at.</p> <p>25 Q. To -- and who else besides Mr. Atkin?</p>	<p>1 it says that the executive committee has the approval</p> <p>2 authority over the main organizational chart,</p> <p>3 correct?</p> <p>4 A. It says the executive committee of</p> <p>5 division has the authority.</p> <p>6 Q. Executive committee of the division?</p> <p>7 A. That's what it says.</p> <p>8 Q. Does division refer to a business segment?</p> <p>9 A. I'm not sure what's referenced by the</p> <p>10 word division.</p> <p>11 Q. Is crop protection a division?</p> <p>12 A. I would in my own language consider crop</p> <p>13 protection division and seed as a division, but I'm</p> <p>14 not sure what was meant by this document.</p> <p>15 Q. Does Syngenta Crop Protection division have</p> <p>16 its own executive committee apart from the Syngenta</p> <p>17 executive committee?</p> <p>18 MR. POPE: Objection to the form of the</p> <p>19 question. There's no such entity as Syngenta</p> <p>20 Crop Protection.</p> <p>21 Q. Can you answer my question?</p> <p>22 A. Could you restate the question?</p> <p>23 Q. Does Syngenta Crop Protection division have</p> <p>24 its own executive committee apart from Syngenta</p> <p>25 executive committee?</p>
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<p>1 A. I'm not sure.</p> <p>2 Q. Okay. And did he come back and approve a</p> <p>3 salary for these people?</p> <p>4 A. He accepted the recommendations, yes.</p> <p>5 Q. For both of the people?</p> <p>6 A. Yes.</p> <p>7 Q. And -- and that salary, after he</p> <p>8 recommended it, was put in place?</p> <p>9 I'm sorry, strike that.</p> <p>10 That salary after he approved it was put in</p> <p>11 place?</p> <p>12 A. The agreed salary was what we offered the</p> <p>13 employee formally in a letter.</p> <p>14 Q. Go to the top chart on the second page of</p> <p>15 Exhibit 1, please. That's table 3.1.</p> <p>16 There it says that the SEC has the approval</p> <p>17 authority over the main organizational chart of group</p> <p>18 companies with sales over 150 million, correct?</p> <p>19 A. That's what it says, yes.</p> <p>20 Q. What does main organizational chart mean?</p> <p>21 A. I don't know what main organizational</p> <p>22 chart means. I explained to you how it operates in</p> <p>23 practice. But I don't know what that term is meant</p> <p>24 to mean.</p> <p>25 Q. For companies with sales below 150 million,</p>	<p>1 MR. POPE: Same objection.</p> <p>2 A. Not that I'm aware of.</p> <p>3 Q. Okay.</p> <p>4 MR. TILLERY: We are out of time on our</p> <p>5 tape. So we have to go off the record.</p> <p>6 THE VIDEOGRAPHER: Stand by.</p> <p>7 This marks the end of videotape number</p> <p>8 one, volume one in the deposition of Vern</p> <p>9 Hawkins. Going off the record. The time is</p> <p>10 12:08:35.</p> <p>11 (A BRIEF RECESS WAS TAKEN.)</p> <p>12 THE VIDEOGRAPHER: This marks the</p> <p>13 beginning of videotape number two, volume one</p> <p>14 in the deposition of Vern Hawkins. The time</p> <p>15 is 12:56 and 47 seconds.</p> <p>16 Please continue.</p> <p>17 Q. We're still on Exhibit Number 1, Mr.</p> <p>18 Hawkins. If you go to the page Bates stamped 5571,</p> <p>19 which is appendix two. This table shows the</p> <p>20 delegation of authority with respect to personnel</p> <p>21 appointments, doesn't it, sir?</p> <p>22 Table two specifically addresses the</p> <p>23 appointments of board of directors of group</p> <p>24 companies. Do you see that at the bottom?</p> <p>25 A. In table two, yes, that's what it says.</p>

22 (Pages 82 to 85)

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<p>1 Q. Okay. Table two states that, and I'm 2 quoting, the decision-making authority, in quote, 3 over personnel appointments to the board of directors 4 of the group companies with sales over \$150 million 5 rests with the CEO, correct? 6 A. That's what the document says. 7 Q. And the CEO is Mr. Mack? 8 MR. POPE: Let him finish, please. 9 Q. I'm sorry, I interrupted you. 10 Is that correct? 11 A. That's what the document says. 12 Q. And you don't disagree with it, do you? 13 A. I've never seen the document. 14 Q. Do you disagree with the statement of this 15 -- in this document? 16 A. I don't know how accurate the -- or how 17 current the document is. But that's what the 18 document says. 19 Q. Well, if it's not current then, I mean, 20 we've been -- we were given this as a current 21 version, okay? All -- 22 MR. POPE: Whoa, whoa, no representations 23 were made that any documents provided to you 24 were current documents. 25 Q. Documents that were provided to us</p>	<p>1 tell you where it came from or anything about it. 2 But I'm asking you because you're the president of 3 Syngenta Crop Protection, Inc. 4 MR. POPE: I'm going to object -- I'm 5 going to move to strike all this 6 colloquialism. This is a document between 7 Tobias Meili and Beth Quarles, who you had a 8 chance to depose and asked them what they knew 9 about it, and instead you're asking this 10 person who claims he's never seen it before 11 and says he doesn't know anything about it and 12 he's trying to do the best he can to answer 13 your question. 14 Q. You're -- you are the president of Syngenta 15 Crop Protection, Inc. right? Right? 16 A. I am the president. 17 Q. All right. 18 A. Now let me finish, please. 19 Q. Oh, but -- no, but my question is -- 20 MR. POPE: Let him finish. 21 Q. -- are you president? 22 A. Syngenta Crop Protection, Inc. 23 Q. Yes. 24 A. And the comment I was trying to 25 clarify --</p>
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<p>1 represented by -- implicitly that they're accurate 2 documents when they're provided. They're not 3 providing phoned up documents. 4 You don't have any reason to believe this 5 is a phoned up document, do you? 6 A. No, I didn't say that. I was just saying 7 I haven't seen the document and I was just 8 confirming that it says board of directors of group 9 companies. 10 Q. Okay. Do you have any reason to believe 11 this is a phoned up document that you have in front 12 of you? 13 A. No, I do not. 14 Q. That Syngenta's attorneys gave us documents 15 that were fraudulent or phony in any way? 16 A. I didn't -- 17 Q. Do you have any belief in that? 18 A. I didn't suggest that they were phony. 19 Q. All right. Okay. 20 A. I'm was just clarifying I haven't seen 21 the document. 22 Q. All right. Then now let's look at this, do 23 you see that Bates number on there, Greenville 24 number? This is stuff given to us in discovery by 25 your attorneys, okay? So I'm not in a position to</p>	<p>1 Q. That's my only question on the table right 2 now. 3 A. I would like to finish clarifying my 4 answer. 5 Q. I don't know what question you're 6 clarifying. 7 A. Well, I'll restate it for you. What I 8 was trying to clarify is I made a comment that I 9 wasn't sure, given the date of the document, how 10 accurate the current delegation of authority were 11 today. But the document does say board of 12 directors on the appendix two, table two of group 13 companies for sales greater than 150 million, that 14 the decision-making authority in the document says 15 CEO. I didn't say the document wasn't accurate. 16 What I asked about was the timeliness of the 17 document. 18 Q. What I'm asking you now is do you believe, 19 looking at this document, that it is the CEO who has 20 decision making authority to appoint the board of 21 directors of group companies with sales over \$150 22 million? 23 A. That's what the document says. 24 Q. Okay. Now, who was the CEO in 2008? 25 Who was that person?</p>

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<p>1 A. That would have been Mike Mack.</p> <p>2 Q. And what was he the CEO of?</p> <p>3 A. I don't know which part of the company,</p> <p>4 but clearly he is the chief executive officer of</p> <p>5 Syngenta --</p> <p>6 Q. Okay. When you say Syngenta, what does that</p> <p>7 mean?</p> <p>8 He's the chief executive officer of</p> <p>9 Syngenta. What does Syngenta mean?</p> <p>10 A. I don't know which entity he is</p> <p>11 classified under for chief executive officer. I</p> <p>12 don't know.</p> <p>13 Q. When you think of him -- you think of him</p> <p>14 as the highest ranking official in the Syngenta group</p> <p>15 of companies, correct?</p> <p>16 A. Yes, except for the board.</p> <p>17 Q. Continuing with this same document,</p> <p>18 decision-making authority over personnel appointments</p> <p>19 to board -- boards of directors of group companies</p> <p>20 with sales below 150 million, at least as of July --</p> <p>21 or sorry, June 27th, 2008, two and a half years ago</p> <p>22 rested with group general counsel, correct?</p> <p>23 A. That's what the document says, yes.</p> <p>24 Q. And that was Christoph Maeder, correct?</p> <p>25 A. I believe so.</p>	<p>1 settlement of legal proceedings by the Syngenta group</p> <p>2 companies, didn't it?</p> <p>3 A. Well, there's a table there that shows</p> <p>4 different approving corporate bodies for different</p> <p>5 dollar amounts. So what was your question?</p> <p>6 Q. Yes, for lawsuits or settlements with an</p> <p>7 amount and in dispute above 60 million, at that time</p> <p>8 the approval had to come from the Syngenta AG board,</p> <p>9 correct?</p> <p>10 A. Or greater than 60 million, that's what</p> <p>11 the document says.</p> <p>12 Q. Okay. For lawsuits or settlements between</p> <p>13 30 and 60, at that time the approval had to come from</p> <p>14 the chairman's committee of the Syngenta AG board,</p> <p>15 correct?</p> <p>16 A. That's what the document says, yes.</p> <p>17 Q. For lawsuits or settlements valued between</p> <p>18 5 million and 30 million, the approval at that time</p> <p>19 had to come from the Syngenta executive committee,</p> <p>20 correct?</p> <p>21 A. That's correct, the Syngenta executive</p> <p>22 committee for 5 to 30 million.</p> <p>23 Q. And for those types of lawsuits or</p> <p>24 settlements which had values of less than 5 million,</p> <p>25 the approval had to come from group general counsel,</p>
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<p>1 Q. Which of Syngenta Crop Protection, Inc.</p> <p>2 subsidiaries have sales over 150 million a year; do</p> <p>3 you know?</p> <p>4 A. Please state the question again.</p> <p>5 Q. Which of Syngenta Crop Protection, Inc.'s</p> <p>6 subsidiaries have sales over 150 million a year?</p> <p>7 A. The U.S. does, clearly. The U.S.</p> <p>8 business.</p> <p>9 Q. Which U.S. business?</p> <p>10 MR. POPE: That isn't the question.</p> <p>11 Listen to his question.</p> <p>12 A. Please answer -- or ask the question</p> <p>13 again, please.</p> <p>14 Q. Which of Syngenta Crop Protection, Inc.'s</p> <p>15 subsidiaries have sales over 150 million a year?</p> <p>16 A. I think I mentioned earlier, I didn't</p> <p>17 know for sure if there was subsidiaries of Syngenta</p> <p>18 Crop Protection, Inc.</p> <p>19 Q. Okay. Let's go to 5570 of that same</p> <p>20 document, sir. And you see under 3.2, institution</p> <p>21 settlement of legal proceedings?</p> <p>22 A. I do see that section, yes.</p> <p>23 Q. And as of June 27th, 2008 this table set</p> <p>24 out who within the -- within the Syngenta group of</p> <p>25 companies had the authority over institution or</p>	<p>1 correct?</p> <p>2 A. That's what the document says.</p> <p>3 Q. And that would have been Christoph Maeder</p> <p>4 at that time?</p> <p>5 A. I believe so.</p> <p>6 Q. And he's still group general counsel, isn't</p> <p>7 he?</p> <p>8 A. He is currently group counsel, yes.</p> <p>9 Q. With the exception of possibly higher</p> <p>10 levels being increased because of the difference</p> <p>11 between two and a half years and this document, are</p> <p>12 the levels of authority still the same?</p> <p>13 A. I don't know.</p> <p>14 Q. Have you ever tried to file your own</p> <p>15 lawsuit as president of Syngenta Crop Protection,</p> <p>16 Inc.?</p> <p>17 A. No, I haven't.</p> <p>18 Q. Okay.</p> <p>19 A. Since January.</p> <p>20 Q. And have you instituted the defense of a</p> <p>21 lawsuit?</p> <p>22 A. I haven't personally, no.</p> <p>23 Q. Who's done that?</p> <p>24 A. The -- our legal group may have been</p> <p>25 involved. I don't know.</p>

24 (Pages 90 to 93)

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<p>1 Q. Do you know what the source of these 2 various delegations of authority is? 3 A. No, I do not. 4 Q. Do you know if any entity in the Syngenta 5 group of companies delegates authority to Syngenta 6 Crop Protection, Inc.? 7 A. I don't know. 8 Q. Has Syngenta Crop Protection, Inc. ever 9 delegated authority in a manner that was inconsistent 10 with these regulations in Exhibit 1? 11 A. I don't know. 12 Q. Do you know how many -- strike that. 13 Do you know how often Syngenta Crop 14 Protection employees are either temporarily or 15 permanently transferred to work at other Syngenta 16 group companies? 17 A. Can you repeat the question? 18 Q. Yes. 19 Do you know how often Syngenta Crop 20 Protection employees are either temporarily or 21 permanently transferred to work at other Syngenta 22 group companies? 23 A. I don't know. It wouldn't be a common 24 practice in Syngenta Crop Protection, Inc. to be 25 done on a frequent basis.</p>	<p>1 employed by Syngenta Crop Protection, Inc.? 2 A. No, I did not. 3 Q. How are global transfers accomplished? 4 A. Can you clarify what you mean by global 5 transfers? 6 Q. Well, for example, with respect to Peter 7 Hertl, were you aware -- strike that. 8 Were you contacted about Peter Hertl's 9 transfer? 10 A. I would not have been personally 11 contacted. I do know that Marian Stypa, NAFTA 12 development head, had awareness. 13 Q. Had what? 14 A. Had awareness of a role change. But I 15 don't know the specifics of it. 16 Q. Okay. So as president of Syngenta Crop 17 Protection, Inc., you did not assign Peter Hertl to a 18 different job, did you? 19 A. As I said, Peter didn't report to me. So 20 I wouldn't have done it personally. But I don't 21 know who was responsible for the employment change. 22 Q. Who did Peter report to? 23 A. I'm not sure if it was Marian or somebody 24 else. But Marian Stypa is the head of development. 25 So I'm not sure without looking at the org chart.</p>
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<p>1 Q. Do you have -- do you know one way or 2 another? 3 A. No. 4 Q. Are there people right now who are assuming 5 global responsibilities in roles for the Syngenta 6 group companies who are being paid by Syngenta Crop 7 Protection, Inc.? 8 A. Not to my knowledge. 9 Q. Do you know who Peter Hertl is? 10 A. I know Peter Hertl. 11 Q. Do you know who he's employed by? 12 A. No, I don't. 13 Q. Okay. Do you know what his job title is? 14 A. I know he's in the product safety group. 15 But I don't know his exact title. 16 Q. Did you know that Peter Hertl is the global 17 head of product safety for all of the Syngenta 18 entities? 19 A. He recently changed roles. But I don't 20 know what his current title is. 21 Q. So my question to you is do you know 22 whether Peter Hertl is the global head of product 23 safety for all Syngenta entities? 24 A. No, I do not know for sure. 25 Q. Did you know that Peter Hertl is directly</p>	<p>1 Q. And where does Marian Stypa work? 2 A. Marian Stypa works in Greensboro, North 3 Carolina, Syngenta Crop Protection, Inc., for me. 4 Q. For you. 5 And your understanding was that Peter Hertl 6 reported to Marian Stypa when you became -- let's 7 just -- let's figure a time so we're clear on this 8 line of questions. Let's talk about January 1, 2010. 9 This year, okay? On up to the current time since 10 you've been president. 11 At that time when you came there, what was 12 Peter Hertl's job? 13 A. I don't recall. He's been working in 14 product safety the whole time. I'm just aware he 15 was -- he underwent a role change because I was 16 advised of that by Marian Stypa. 17 Q. And when were you advised that he underwent 18 a role change? 19 A. I don't remember the specific date. But 20 it was this year. 21 Q. And what did you understand the role change 22 to involve? 23 A. I understood a change in responsibilities 24 related to product safety. Many of the product 25 safety activities that Peter did were helpful to</p>

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<p>1 U.S. Crop Protection, Inc., but Peter also, much 2 like the other global teams, did contribute input. 3 So I don't know the scope of his responsibility 4 change. 5 Q. Did you know the scope of his job before 6 the transfer? 7 A. Not very well, no. 8 Q. Did you know who he reported to directly 9 before the transfer? 10 A. Not with certainty. 11 Q. Do you know who his functional reporting 12 obligation was to? 13 A. Not definitively, no. 14 Q. Did he ever report to you? 15 A. Peter never reported to me. 16 Q. Did you ever have a meeting with Peter 17 since you've been president of Syngenta Crop 18 Protection, Inc.? 19 A. No, I have not related to employment. 20 Q. When you say related to employment, you 21 mean you may have seen him socially? 22 A. I would have seen Peter in our facility 23 and had a conversation with Peter. As I said, I do 24 not know Peter. But I wouldn't have had a 25 discussion about his role.</p>	<p>1 not a speech. 2 MR. POPE: Well, let me just say this. 3 In all fairness, Steve, you took Mr. Hertl's 4 deposition and you know he's got that new 5 title on January 1st, 2010. So he wasn't 6 president at the time this happened. It's an 7 unfair question that way, Steve. 8 MR. TILLERY: Mike, we're going to have 9 to get an order on this. Either that or -- 10 you can't. You know better than to do this. 11 MR. POPE: Yeah, and you know better than 12 to misstate the record as you are. 13 MR. TILLERY: You know better. I'm 14 conducting an interrogation and you're not to 15 give speaking objections, and the federal 16 rules provide it. So you can make an 17 objection or not. But if you do it this way, 18 we're going to terminate it and we'll get 19 Frazier on the phone or we'll go back and see 20 him. But we're not going to do it by speaking 21 objections. That's it. 22 Q. So let's go back to my question, make sure 23 we're clear. 24 You weren't aware of the fact that Peter 25 Hertl had been promoted when he was, in fact,</p>
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<p>1 Q. You wouldn't have had a discussion that 2 involved the business of Syngenta? 3 A. I would not have had a discussion with 4 Peter involving his role. I know Peter is part of 5 the Greensboro -- he's located in Greensboro. And 6 my understanding is he is potentially going to 7 relocate. 8 Q. Do you know where he's going to relocate? 9 A. I don't. 10 Q. Do you know when he's going to relocate? 11 A. I don't, no. 12 Q. Would it be safe to say that all of these 13 decisions were undertaken without your knowledge? 14 A. I was not involved in the decision 15 related to Peter Hertl, that is true. 16 Q. Since January 1st, 2010, as president of 17 Syngenta Crop Protection, Inc., you weren't even 18 consulted -- 19 MR. POPE: Wait a minute -- 20 MR. TILLERY: Excuse -- 21 Q. You weren't even consulted about Peter 22 Hertl's promotion, were you, sir? 23 MR. POPE: I have an objection to this 24 line of questioning. 25 MR. TILLERY: If it's an objection and</p>	<p>1 promoted, you were advised by that after the fact by 2 Marian Stypa, weren't you? 3 A. I was advised probably before it was 4 communicated. But I don't know when the actual 5 decision was made. 6 Q. Okay. Do you know who made the decision? 7 A. No, I do not. 8 Q. Were you consulted about the decision? 9 A. I was -- Marian Stypa briefed me. 10 Q. Yeah, but were you asked about it or you 11 were just told about it after -- by Marian Stypa? 12 A. Well, Marian Stypa works in my team. So 13 Marian would have been consulted, I would not have 14 been. 15 Q. All right. And you were not consulted 16 about approving his transfer, were you? 17 A. Not directly, no. 18 Q. Okay. Well, were you consulted indirectly 19 about approving his transfer? 20 A. It's possible that the documentation that 21 I would receive and report would have had Peter's 22 information in it. But I didn't have a direct 23 conversation about it. 24 Q. Do you even know where he's going to work? 25 A. Not definitively, no.</p>

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<p>1 Q. Okay. Do you know -- can you guess?</p> <p>2 A. I could. But I'm not going to because I</p> <p>3 don't know.</p> <p>4 Q. Okay. So you when you say definitively, you</p> <p>5 don't know is the answer, right?</p> <p>6 A. Right.</p> <p>7 Q. Okay. And you don't know what job he's</p> <p>8 going to have either, do you?</p> <p>9 A. No, I know he's relocating because he</p> <p>10 mentioned that when I met with him socially.</p> <p>11 Q. Right, right.</p> <p>12 A. But it was a two-minute conversation.</p> <p>13 Q. But you don't know what his new job</p> <p>14 responsibility will be either, do you?</p> <p>15 A. I do not.</p> <p>16 Q. All right. Have you ever asked for other</p> <p>17 employees from other Syngenta group companies to be</p> <p>18 transferred to Syngenta Crop Protection, Inc.?</p> <p>19 A. I have never asked that, no.</p> <p>20 Q. Okay. Are you familiar with the</p> <p>21 international transfer policy?</p> <p>22 A. Not by that title. I mentioned</p> <p>23 expatriate assignments earlier in my deposition.</p> <p>24 So I don't know if that's what you're referring to</p> <p>25 or not.</p>	<p>1 where the manufacturing is done.</p> <p>2 Q. Does Syngenta Crop Protection own that</p> <p>3 plant?</p> <p>4 A. I'm not sure.</p> <p>5 Q. Is that the only plant in the United States</p> <p>6 where Syngenta Crop Protection manufactures atrazine?</p> <p>7 A. It is, yes.</p> <p>8 Q. Are there other Syngenta companies outside</p> <p>9 the U.S. that also manufacture atrazine?</p> <p>10 A. I don't know.</p> <p>11 Q. What percentage of Syngenta's global</p> <p>12 atrazine production takes place at St. Gabriel?</p> <p>13 A. I don't know. But the majority certainly</p> <p>14 would.</p> <p>15 Q. Roughly how many atrazine does Syngenta</p> <p>16 Crop Protection produce annually at St. Gabriel?</p> <p>17 A. I don't know.</p> <p>18 Q. Does Syngenta Crop Protection sell atrazine</p> <p>19 technical directly to customers?</p> <p>20 A. To some customers, yes. Not all</p> <p>21 customers.</p> <p>22 Q. And it also -- Syngenta Crop Protection</p> <p>23 also creates branded mixtures that contain atrazine</p> <p>24 along with other active ingredients, correct?</p> <p>25 A. We do.</p>
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<p>1 Q. What do you mean when you say expatriate</p> <p>2 assignment?</p> <p>3 A. Where a person would be taking on a new</p> <p>4 position outside of the U.S. for career development</p> <p>5 purposes or experience sharing.</p> <p>6 Q. And who approves these transfers?</p> <p>7 A. I believe it depends on the level. But I</p> <p>8 don't -- I don't personally approve all of them.</p> <p>9 Q. In Peter Hertl's case, do you know who</p> <p>10 approved the transfer?</p> <p>11 A. I already said, I don't know.</p> <p>12 Q. Syngenta Crop Protection, Inc. manufactures</p> <p>13 atrazine, doesn't it, sir?</p> <p>14 A. We make atrazine, yeah, in the U.S. I'm</p> <p>15 not sure how the manufacturing is classified.</p> <p>16 Q. What is atrazine technical?</p> <p>17 A. I mentioned active ingredient earlier in</p> <p>18 my deposition, so the technical is the form of the</p> <p>19 active ingredient that likely would be used to make</p> <p>20 other atrazine formulations or it's potentially</p> <p>21 even the product that we would sell to other</p> <p>22 companies to formulate their own finished products.</p> <p>23 Q. Which plant does Syngenta Crop Protection</p> <p>24 use to manufacture technical grade atrazine?</p> <p>25 A. The facility at St. Gabriel, Louisiana is</p>	<p>1 Q. How does Syngenta Crop Protection create</p> <p>2 branded mixtures that contain atrazine and other</p> <p>3 active ingredients?</p> <p>4 A. Can you clarify what you mean by how do</p> <p>5 we do it?</p> <p>6 Q. Yeah. I mean, how do you mix them?</p> <p>7 How is that done?</p> <p>8 A. Well, it's a technical process. I don't</p> <p>9 personally know. But we make multiple formulations</p> <p>10 of products which contain atrazine. And I suspect</p> <p>11 that they are all done somewhat different depending</p> <p>12 on the chemical characteristics.</p> <p>13 Q. How many branded mixtures containing</p> <p>14 atrazine does Syngenta Crop Protection, Inc.</p> <p>15 currently sell in the United States?</p> <p>16 A. I don't know.</p> <p>17 Q. Does Syngenta Crop Protection, Inc. create</p> <p>18 branded mixtures containing atrazine that it doesn't</p> <p>19 sell in the United States?</p> <p>20 A. I don't know.</p> <p>21 Q. Do you know what percentage of the atrazine</p> <p>22 that Syngenta Crop Protection, Inc. manufactures gets</p> <p>23 sold as atrazine technical versus being included in a</p> <p>24 branded mixture with other active ingredients?</p> <p>25 A. No, I don't.</p>

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<p>1 Q. There are other Syngenta companies outside</p> <p>2 the U.S. that sell atrazine technical or branded</p> <p>3 mixtures containing atrazine?</p> <p>4 A. There would be other countries selling</p> <p>5 products containing atrazine. I don't know what</p> <p>6 form.</p> <p>7 Q. Are they selling some of the product that's</p> <p>8 manufactured in the United States?</p> <p>9 A. I don't know that definitively. But</p> <p>10 typically we would ship from an active ingredient</p> <p>11 plant to other countries.</p> <p>12 Q. And when you would ship, are you talking</p> <p>13 about shipping it from the U.S.?</p> <p>14 A. Yes. Well, it would start from the</p> <p>15 plant. I don't know the route.</p> <p>16 Q. It would start from the --</p> <p>17 A. We would ship it --</p> <p>18 Q. -- St. Gabriel plant?</p> <p>19 A. Right. We would ship it from the plant</p> <p>20 if it was exported. But whether it -- where it</p> <p>21 goes on sea or air freight, I don't know.</p> <p>22 Q. Is technical grade atrazine fungible?</p> <p>23 A. What do you mean by that?</p> <p>24 Q. Of a character or having characteristics</p> <p>25 that makes it indistinguishable from other molecules</p>	<p>1 the customer.</p> <p>2 Q. Do the other Syngenta companies package the</p> <p>3 products themselves? Or if they're using</p> <p>4 American-produced products, are they packaged here?</p> <p>5 A. I don't know.</p> <p>6 Q. Besides atrazine, does Syngenta Crop</p> <p>7 Protection, Inc. also manufacture other active</p> <p>8 ingredients?</p> <p>9 A. It does.</p> <p>10 Q. How many?</p> <p>11 A. I don't know.</p> <p>12 Q. Does Syngenta Crop Protection, Inc.</p> <p>13 manufacture any proprietary active ingredients that</p> <p>14 are still under patent protection?</p> <p>15 A. We do manufacture some active ingredients</p> <p>16 that are still under patent protection, yes.</p> <p>17 Q. Do you do that in the United States?</p> <p>18 A. We have some that we do in the United</p> <p>19 States.</p> <p>20 Q. And how many?</p> <p>21 A. I don't know.</p> <p>22 Q. Who owns the patents to those proprietary</p> <p>23 active ingredients?</p> <p>24 A. I don't know.</p> <p>25 Q. Do you know if Syngenta Crop Protection,</p>
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<p>1 of atrazine?</p> <p>2 A. Not necessarily.</p> <p>3 Q. Explain that.</p> <p>4 A. Well, it's technical. So the</p> <p>5 manufacturing processes, I'm not a chemist. But</p> <p>6 sometimes you can identify an active ingredient by</p> <p>7 the process used and sometimes it's quite similar.</p> <p>8 And I don't know how easy it is to identify.</p> <p>9 Q. Where do these other Syngenta entities</p> <p>10 outside the United States get their technical grade</p> <p>11 atrazine?</p> <p>12 A. I mentioned to you, I'm not sure who</p> <p>13 receives technical grade atrazine from St. Gabriel</p> <p>14 plant. So it may come from St. Gabriel, it may</p> <p>15 come from another source. I don't know.</p> <p>16 Q. Do the atrazine mixtures have other brand</p> <p>17 names in other countries?</p> <p>18 A. Other names versus --</p> <p>19 Q. What you used for Syngenta Crop Protection,</p> <p>20 Inc. sales in the United States or NAFTA.</p> <p>21 A. Yes. There certainly would be some</p> <p>22 products that we brand here that are different than</p> <p>23 products that would have atrazine in them sold in</p> <p>24 other countries. It's one of the things that we're</p> <p>25 -- we do differently, we name the product to serve</p>	<p>1 Inc. is manufacturing active ingredients under</p> <p>2 license?</p> <p>3 A. I don't know for sure.</p> <p>4 Q. Does it manufacture any active ingredients</p> <p>5 where the intellectual property is owned by a non</p> <p>6 Syngenta entity?</p> <p>7 A. I don't know.</p> <p>8 Q. Does it have contracts with other Syngenta</p> <p>9 entities regarding manufacture of active ingredients?</p> <p>10 A. Does who have contracts?</p> <p>11 Q. Does Syngenta Crop Protection, Inc.?</p> <p>12 A. Have contracts with?</p> <p>13 Q. Other Syngenta group companies.</p> <p>14 A. I don't know if they have contracts or</p> <p>15 not.</p> <p>16 Q. Have you ever seen one?</p> <p>17 A. I have not.</p> <p>18 Q. So when these transfers are made to other</p> <p>19 Syngenta group companies for sales of</p> <p>20 atrazine-containing products outside the United</p> <p>21 States, are you aware of any contract governing those</p> <p>22 transfers of product?</p> <p>23 A. I mentioned to you earlier that I know</p> <p>24 we've receive product under a transfer pricing</p> <p>25 process. But I don't have a lot of details on it.</p>

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<p style="text-align: right;">Page 110</p> <p>1 I would expect it's reciprocal in that regard. 2 Q. You're talking about a transfer pricing 3 policy? And you understand that the transfer pricing 4 policy is run through one group in Basel, don't you? 5 A. I said I don't. I don't know how it's 6 fully managed. 7 Q. You're the of Syngenta Crop Protection, 8 Inc. Would it be safe to say that you don't do 9 transfer pricing policy at Syngenta Crop Protection, 10 Inc. in Greensboro; is that correct? 11 A. I don't do it personally, no. 12 Q. Does anybody do it? 13 A. I don't know. 14 Q. Okay. In terms of total numbers, do you 15 know how many active ingredients the Syngenta group 16 of companies have active U.S. patents on them? 17 A. No, I do not. 18 Q. Do you know if Syngenta Crop Protection, 19 Inc. owns a single patent? 20 A. I don't know. 21 Q. Is Syngenta Crop Protection, Inc. the only 22 company that distributes crop protection products in 23 the United States that contain active ingredients 24 proprietary to Syngenta entities? 25 A. Repeat that question.</p>	<p style="text-align: right;">Page 112</p> <p>1 A. We have a department we call development, 2 and they are responsible for doing the in country 3 U.S. field trials which will include some active 4 ingredient testing. But often formulation testing 5 is the major part of the work because that's what 6 we sell is a formulated product. 7 Q. And are they involved in testing molecules 8 that have not yet made it through regulation? 9 A. Yes, the sort of definition of 10 development would be prior to registration usually. 11 Q. Are you familiar with the four-step staging 12 process for the development of a new molecule? 13 A. I'm broadly familiar with it, yes. 14 Q. Do you know at what stage Syngenta Crop 15 Protection, Inc. becomes involved in testing 16 molecules? 17 A. I don't, no. 18 Q. You're aware of the fact, I saw in some of 19 the materials that you were at some point in your 20 history over -- you had oversight over this area, 21 didn't you? 22 A. That's correct. 23 Q. All right. You are aware of the fact that 24 Syngenta Crop Protection, Inc. either has test plots 25 or testing locations in farmer fields in the areas</p>
<p style="text-align: right;">Page 111</p> <p>1 Q. I will. 2 Is Syngenta Crop Protection, Inc. the only 3 company that distributes crop protection products in 4 the United States that contain active ingredients 5 proprietary to Syngenta entities? 6 A. So Syngenta company, not a third-party 7 company? 8 Q. Correct. 9 A. I'm not aware of -- of a Syngenta company 10 selling in the U.S. 11 Q. Okay. Is Syngenta Crop Protection, Inc. 12 the exclusive U.S. distributor of Syngenta's 13 proprietary crop protection products? 14 A. There are I believe a couple examples 15 where other companies would sell our active 16 ingredients. 17 Q. Who would those companies be? 18 A. I couldn't give you a full list, but it 19 wouldn't be uncommon for us to sell a product to a 20 competitor for mixture. So I couldn't tell you the 21 full list of the folks that would be included in 22 that. 23 Q. Does Syngenta Crop Protection, Inc. have a 24 research and development of active ingredient 25 department?</p>	<p style="text-align: right;">Page 113</p> <p>1 where the product is likely going to be sold? 2 A. Syngenta Crop Protection, Inc. certainly 3 would have many trials like that. 4 Q. And that you understand to be done to test 5 the product to see, for one thing, if it's going to 6 have efficacy for that particular purpose? 7 A. That would be one of many things, yes. 8 Q. Right. 9 And that would be before the product is 10 actually authorized to be sold? 11 A. Typically that is the case. Occasionally 12 you would be looking at a new use for an active 13 ingredient that's approved. 14 Q. Right. 15 In the typical case where the product has 16 not yet been authorized, at that stage who is 17 directing the development of that product; if you 18 know? 19 A. I don't know. It links back probably to 20 the stage process you referenced. 21 Q. Who at Syngenta is in charge of doing those 22 testings? 23 A. Well, it's Marian Stypa, as I mentioned 24 previously, who is in charge of development and 25 product safety for Syngenta Crop Protection. So he</p>

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<p>1 would have a team of people accountable for doing 2 that. 3 Q. Are all sales of Syngenta Crop Protection 4 products in the U.S. conducted with the involvement 5 of Syngenta Crop Protection, Inc.? 6 A. To my knowledge, U.S. sales are all 7 managed by Syngenta Crop Protection, Inc. 8 employees. 9 Q. Now, when these tests are done for the new 10 products that are in one part of the staging process, 11 and it's my understanding that at some point in 12 either stage two, stage -- late stage one or stage 13 two testing could occur, but there could be multiple 14 stages of testing going on simultaneously, okay? 15 I'll just tell you that, that that's something that I 16 learned last week. 17 A. Okay. 18 Q. Okay. Now, assuming that's the case, when 19 this is done, as you said, by Marian -- is it Stypa? 20 A. Stypa, yes. 21 Q. Stypa. How is the coordination of that 22 molecule being tested? 23 How does that work being done from the 24 people at Jealott's Hill, developing the molecule and 25 the testing being done in the U.S.?</p>	<p>1 team that would discuss the opportunities for a 2 given molecule, then the Crop Protection, Inc. team 3 would develop the protocols to deliver the value 4 that that active ingredient or product could 5 provide via confirmation through testing. So a 6 conversation, typically. 7 Q. And with whom? 8 Who from Jealott's Hill? 9 A. I don't know who from Jealott's Hill. 10 But clearly you would want somebody that understood 11 the molecule's capabilities before it was handed 12 off. 13 Q. Do you have any personal knowledge beyond 14 what you've told me? 15 A. No. As I say, I -- I was involved in an 16 earlier stage in my career. But I don't have any 17 definitive knowledge around molecules that we're 18 developing today. 19 Q. Do you know where Syngenta's primary 20 research facilities are for new active ingredients? 21 A. My understanding is the two major ones 22 are Jealott's Hill that you -- which is in the 23 U.K., and Stein, which is in Switzerland. 24 Q. Are you familiar with Goa? 25 A. I'm aware of Goa, yes.</p>
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<p>1 A. Well, testing generally requires a 2 protocol. So the protocol, if it's written for 3 efficacy, would be written by the Syngenta Crop 4 Protection team related to the use rates that we 5 believe is registerable for, and the pests that we 6 believe we need to control. So that's one kind of 7 testing. 8 If it's a regulatory test, we would agree 9 -- a residue level, which can be registered, and 10 then that would be still done by the Syngenta Crop 11 Protection team, but it would be clearly done with 12 some foresight of what was registerable. 13 Q. How do the people who are developing the 14 molecule communicate with the people who are doing 15 the testing? 16 A. So which people are you referring to? 17 Q. I'm talking about the -- I'm talking about 18 the Jealott's Hill people developing the molecule. 19 Assuming it's a Jealott's Hill product, okay? And 20 that particular molecule is being devised that could 21 have application for certain types of weeds in corn 22 applications, okay? How is that molecule testing 23 protocol communicated to the people at Syngenta Crop 24 Protection, Inc.? 25 A. Typically there would be a committee or a</p>	<p>1 Q. Do you know what they do? 2 A. I know they manufacture, but I don't know 3 the full scope of what they do at Goa. 4 Q. How does the Syngenta group of companies 5 determine who will apply for a patent on a new active 6 ingredient? 7 A. I don't know. 8 Q. Have you been to field testing operations 9 yourself? 10 A. I have. Not in recent years, but I have 11 been, yes. 12 Q. And you've visited field testing locations 13 in Illinois? 14 A. Early in my career when I was a sales 15 rep, yes, I did. 16 Q. Where did you visit those? 17 A. Well, my sales territory was in west 18 central Illinois. I lived in a little town called 19 Knoxville, which is near Galesburg, so that general 20 area. I would have gone to university trials at 21 Champaign as well. 22 Q. Okay. Do you know who actually does the 23 field testing today? 24 A. I don't know who does all the field 25 testing. Most of it we contract out. But we do</p>

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<p>1 some of our testing at our Vero Beach, Florida</p> <p>2 facility.</p> <p>3 Q. Do you know if research and development</p> <p>4 funds for new products are allocated on a global</p> <p>5 level in the Syngenta group of companies?</p> <p>6 A. I don't know where the allocation is</p> <p>7 done. But certainly there are resources allocated.</p> <p>8 Q. Do you know if the field trial work is</p> <p>9 being paid in part by other Syngenta entities?</p> <p>10 A. I don't know.</p> <p>11 Q. Do you know if employees from other</p> <p>12 Syngenta Crop Protection subsidiaries monitor the</p> <p>13 progress of field testing that's being done in the</p> <p>14 United States?</p> <p>15 A. I don't know.</p> <p>16 Q. Do you know if they physically come to the</p> <p>17 United States to visit field testing?</p> <p>18 A. I don't know if they come regularly, but</p> <p>19 we would have a annual crop tour, which would</p> <p>20 include people from these product teams that I</p> <p>21 mentioned previously. So it wouldn't surprise me</p> <p>22 if there was a global occasionally in those groups.</p> <p>23 Q. And what does your annual crop tour</p> <p>24 involve?</p> <p>25 A. It's reviewing the trials.</p>	<p>1 Exhibit 2 has a Greenville Bates number ending in</p> <p>2 0732, right?</p> <p>3 A. Correct.</p> <p>4 Q. These appear to be summary notes of a field</p> <p>5 visit by a number of Syngenta personnel to a testing</p> <p>6 location in Rend Lake College in Ina, Illinois; is</p> <p>7 that right?</p> <p>8 A. That's what the document says, yes.</p> <p>9 Q. All right. And these notes, at least from</p> <p>10 looking at the top of the document, appear to be</p> <p>11 those of Ian Zelaya. If I'm pronouncing that</p> <p>12 correctly.</p> <p>13 A. Exactly. You may as good at pronouncing</p> <p>14 that one as I am. I'm not sure.</p> <p>15 Q. Whose letterhead, at least, indicates he's</p> <p>16 a team leader for weed control biology at Syngenta</p> <p>17 Limited, correct?</p> <p>18 A. That's what the document says.</p> <p>19 Q. And that's in the United Kingdom?</p> <p>20 A. I don't know.</p> <p>21 Q. Okay. Is that a Syngenta company</p> <p>22 responsible for developing new active ingredients; do</p> <p>23 you know?</p> <p>24 A. I don't know.</p> <p>25 Q. There's a long list of individuals who were</p>
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<p>1 Q. And who comes to that?</p> <p>2 A. I don't know. But it's a large group of</p> <p>3 folks invited from our company and Syngenta Crop</p> <p>4 Protection, Inc. But as I say, we have product</p> <p>5 line teams. It would -- an invitation or an</p> <p>6 awareness certainly would be communicated to others</p> <p>7 if they wanted to come.</p> <p>8 Q. Take a look at Exhibit Number 2.</p> <p>9 (Plaintiff's Exhibit 2: Syngenta document</p> <p>10 entitled Summary Notes dated 6/26/09, Bates</p> <p>11 GRNVL0000080732 - 0737 marked for</p> <p>12 identification, as of this date.)</p> <p>13 Q. And you can take your time to go through</p> <p>14 it, sir, if you want to just refresh your</p> <p>15 recollection. I'm sure this is a document something</p> <p>16 like you've seen before. But go ahead and spend a</p> <p>17 couple minutes looking at it.</p> <p>18 I'm actually not going to ask you questions</p> <p>19 about the core of the document so much. In other</p> <p>20 words, what they're saying in the context. Just</p> <p>21 going to ask you about sort of the basics on the</p> <p>22 front page. But I want you to familiarize yourself</p> <p>23 with it enough to know what it's involving.</p> <p>24 A. Okay. Thank you.</p> <p>25 Q. This particular document marked as</p>	<p>1 present. He lists those present, partial</p> <p>2 participation and then copied on this.</p> <p>3 In the present group there's a individual</p> <p>4 listed as Michel Albrecht. Do you know who that is?</p> <p>5 Or Michel Albrecht.</p> <p>6 A. Where are you referencing?</p> <p>7 Q. On the present invited and present on the</p> <p>8 front page.</p> <p>9 A. I don't -- I don't know that person.</p> <p>10 Q. And the CHBSs is what, an abbreviation for</p> <p>11 Basel?</p> <p>12 A. I think it is A Switzerland e-mail</p> <p>13 descriptor.</p> <p>14 Q. Okay. And the next person is Hofer Urs,</p> <p>15 U-R-S, and that's also a Basel location?</p> <p>16 A. That's correct.</p> <p>17 Q. And next is at least probably a reverse, so</p> <p>18 it's probably Jeremy Reynolds is the name?</p> <p>19 A. That's what the document says.</p> <p>20 Q. And that's also Basel?</p> <p>21 A. That's what the document says.</p> <p>22 Q. Do you know who that person is?</p> <p>23 A. No, I do not.</p> <p>24 Q. And then there is Brett Miller from Basel?</p> <p>25 A. Yes.</p>

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<p>1 Q. And then there is -- the next is Mark 2 Spinney from Jealott's Hill; is that right? 3 A. That's what the document says. 4 Q. The GHJH would be Jealott's Hill in the 5 U.K.? 6 A. That's correct. 7 Q. And then down a ways there's Eric Palmer 8 from USVB. What does that stand for? 9 A. I'm not sure what that one stands for. 10 Q. Okay. And then there's Adrian Longstaff, 11 and that's GHJH, that's Jealott's Hill, right? 12 A. Correct. 13 Q. Okay. And then there's Andre 14 B-A-C-H-I-E-G-A, and that's BRSP. What does that 15 stand for? 16 A. I'm not sure. 17 Q. And then there's Brian Manley from USRE. 18 What does that stand for? 19 A. I'm not sure. 20 Q. And then there's Matthew Sherriff at the 21 bottom from AUSY. What does that stand for? 22 A. I'm not sure. 23 Q. All of those different abbreviations are 24 different from the ones you use for Greensboro, 25 aren't they?</p>	<p>1 Q. Is that typical? 2 A. That would be typical of the example that 3 I -- I was referencing. 4 Q. And what would they do on a corn tour? 5 A. Well, the tours that I've attended, you 6 typically are looking at the different trials that 7 were in the protocols and assessing performance 8 against competitive products to gain a better 9 understanding of how the product is working. 10 That's typically what you would do. 11 Q. Is there at least one of these every year? 12 A. There is if there isn't a weather event. 13 Probably not for every crop. But for the major 14 crops. 15 Q. Is there one of these in Illinois every 16 year? 17 A. I don't know. 18 Q. You've been to them in Illinois? 19 A. I don't know if I've been to the formal 20 crop tour in Illinois. But I've certainly been on 21 a crop tour. 22 Q. Okay. 23 (Plaintiff's Exhibit 3: An e-mail string 24 with the top from Brian Manley dated 3/20/06, 25 Bates SYN03444291 marked for identification,</p>
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<p>1 A. That's correct. 2 Q. The one you use for Greensboro would be 3 USGR, correct? 4 A. That's correct. 5 Q. And you see several of those people 6 indicated on that present list as well? 7 A. Correct. 8 Q. Would this be the kind of tour that you 9 were talking about or a different kind of tour? 10 A. This tour may be similar. And typically 11 what would happen in the U.S., all the local people 12 would also receive in invite. So there would 13 typically be more people at the kind of tour I was 14 talking about. 15 Q. Than this one? 16 A. But this could have been the core, the 17 core attendees that were invited formally. Very 18 possible. 19 Q. And this would last for several days? 20 A. Typically if it's a corn tour, it would 21 be at least a week. 22 Q. And looking at this, it looked to me like 23 it lasted from June 22nd to June 29th -- sorry, 24 June 26th. 25 A. Okay.</p>	<p>1 as of this date.) 2 Q. I'll show you what's been marked as 3 Exhibit 3 and ask you to take a look at it. This is 4 an e-mail exchange in March 2006. 5 Okay. Now, this appears to be an e-mail 6 from a -- from a Syngenta employee, I'm going to ask 7 you about that, in Illinois to a Syngenta employee in 8 Basel asking you whether he could alter the protocol 9 on a field trial, correct? 10 A. That's what the dialogue -- 11 Q. Looks like? 12 A. -- looks like. 13 Q. All right. Now, here's what I want to ask 14 you, Joe Bruce lists him as an R&D scientist. Is 15 that research and development? 16 A. The R&D would stand for research and 17 development. 18 Q. Do you know Mr. Bruce? 19 A. I don't know Mr. Bruce. 20 Q. It says, Syngenta Crop Protection, northern 21 regional technical center. 22 Do you know where that is? 23 A. I believe this is a facility that we've 24 since closed. But we did used to have a research 25 and development testing site in -- near Champaign,</p>

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<p>1 Illinois.</p> <p>2 Q. And this is a person who apparently would</p> <p>3 have worked at that site as a scientist?</p> <p>4 A. Either at the site or did the trials on</p> <p>5 the site.</p> <p>6 Q. Okay. He lists his address at that site?</p> <p>7 A. That's correct, he does.</p> <p>8 Q. Okay. Now, what I wanted to ask is look at</p> <p>9 the -- under his name, Syngenta Crop Protection. Do</p> <p>10 you know if he worked for Syngenta Crop Protection,</p> <p>11 Inc.?</p> <p>12 A. At that period of time, I don't know</p> <p>13 definitively. But the development employees today</p> <p>14 that served his role, if he's a field rep, would</p> <p>15 report to Syngenta Crop Protection, Inc. But I'm</p> <p>16 not sure what his scope of responsibilities were.</p> <p>17 Q. And the person that he was speaking to is</p> <p>18 Brian Manley at Basel, correct?</p> <p>19 A. In this note, that's correct.</p> <p>20 Q. In this e-mail exchange.</p> <p>21 A. That's right.</p> <p>22 Q. And this Brian Manley appears to be a</p> <p>23 global technical manager for herbicides?</p> <p>24 A. That's what the note says.</p> <p>25 Q. And he, Mr. Manley, responds that his</p>	<p>1 (Plaintiff's Exhibit 4: An e-mail string</p> <p>2 with the top from Pat Stiner dated 7/6/06,</p> <p>3 Bates GRNVL0000042011 - 2012 marked for</p> <p>4 identification, as of this date.)</p> <p>5 Q. Exhibit Number 4 is another e-mail</p> <p>6 exchange.</p> <p>7 MR. POPE: Steve, could we just put on</p> <p>8 the record the date or the number so that</p> <p>9 there's something --</p> <p>10 MR. TILLERY: Oh, the Bates number?</p> <p>11 MR. POPE: Yeah.</p> <p>12 MR. TILLERY: Oh, of course. I'm sorry.</p> <p>13 MR. POPE: We're talking about the 206</p> <p>14 document.</p> <p>15 MR. TILLERY: I'm sorry.</p> <p>16 Q. And it's my understanding that the -- as</p> <p>17 typical, the e-mail exchange would start on the last</p> <p>18 and work its way forward?</p> <p>19 A. In our system, that would be correct.</p> <p>20 Q. Mine too.</p> <p>21 And if you look at it, and Mr. Pope is</p> <p>22 correct, the number on this is Greenville 42011,</p> <p>23 Greenville 42012.</p> <p>24 MR. TILLERY: This just, for the record,</p> <p>25 while Mr. Hawkins is looking at it, is an</p>
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<p>1 initial reaction was to say no to this request, but</p> <p>2 he changed his mind, correct?</p> <p>3 A. That's what the document says.</p> <p>4 Q. And he gives this Syngenta Crop Protection</p> <p>5 employee the go ahead to alter the protocol, doesn't</p> <p>6 he?</p> <p>7 A. He gives the consent to make the change</p> <p>8 recommended by the employee, yes.</p> <p>9 Q. Now, the global technical manager for</p> <p>10 herbicides was associated with which Syngenta entity</p> <p>11 in Basel?</p> <p>12 A. I'm not sure.</p> <p>13 Q. Do you know which entity Mr. Manley worked</p> <p>14 for directly?</p> <p>15 A. No, I do not.</p> <p>16 Q. Do you know what Mr. Manley's overall</p> <p>17 global responsibilities were?</p> <p>18 A. At that time, I do not, no. I know he's</p> <p>19 in a different position now.</p> <p>20 Q. What does he do now?</p> <p>21 A. I'm not sure. But I believe he operates</p> <p>22 out of our Syngenta biotech institute, North</p> <p>23 Carolina.</p> <p>24 Q. Who's he employed by at this time?</p> <p>25 A. I'm not sure.</p>	<p>1 e-mail exchange between Mr. Derek Cornes and</p> <p>2 Mr. Pat Steiner with some other people being</p> <p>3 copied among that e-mail chain.</p> <p>4 Q. Do you know who Derek Cornes is?</p> <p>5 A. I know the name, yes. I think it's</p> <p>6 actually Cornes.</p> <p>7 Q. Cornes? Okay.</p> <p>8 A. I think so.</p> <p>9 Q. The first e-mail is from Mr. Pat Steiner to</p> <p>10 a group of people.</p> <p>11 A. That's correct.</p> <p>12 Q. And that's dated June 23rd, 2006?</p> <p>13 A. That's what the document says, yes.</p> <p>14 Q. And inviting these people to a day and a</p> <p>15 half workshop for brand X at July 19th and 20th at</p> <p>16 the des Moines office, correct?</p> <p>17 A. That's what the document says, yes.</p> <p>18 Q. The people he invited were -- included Mr.</p> <p>19 Corey Huck, and he was at Basel, correct?</p> <p>20 A. According to this document, he was at</p> <p>21 that time, yes.</p> <p>22 Q. And was he on assignment from Syngenta Crop</p> <p>23 Protection, Inc. at that time?</p> <p>24 A. He would have been, yes.</p> <p>25 Q. Okay. And what would his role have been in</p>

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<p>1 Basel at that time?</p> <p>2 A. I don't know definitively the title, but</p> <p>3 he would have been in global product management.</p> <p>4 Q. Okay. And then there was David Hosking at</p> <p>5 Basel who was also asked to attend. And do you know</p> <p>6 what his job was?</p> <p>7 A. I don't.</p> <p>8 Q. And then Ms. Irina Mocker?</p> <p>9 A. I don't know.</p> <p>10 Q. Okay. And then there -- then the exchange</p> <p>11 came back from Derek Cornes, who lists a e-mail</p> <p>12 address at Basel. Was he at Basel?</p> <p>13 A. Mr. Cornes?</p> <p>14 Q. Yes.</p> <p>15 A. According to this document, his e-mail</p> <p>16 address would indicate that.</p> <p>17 Q. And in the e-mail address he indicates he's</p> <p>18 been traveling with sales reps in Illinois, correct?</p> <p>19 MR. POPE: Where are you reading from?</p> <p>20 MR. TILLERY: The bottom of the first</p> <p>21 page one, been traveling with sales reps this</p> <p>22 week visiting growers. Lumax message goes</p> <p>23 from no problems to needs reformulating</p> <p>24 urgently.</p> <p>25 A. I see that, yes.</p>	<p>1 MR. TILLERY: Excuse me. Mr. Pope, I'm</p> <p>2 sorry. I apologize. Syngenta 791910.</p> <p>3 MR. POPE: 2001, right?</p> <p>4 MR. TILLERY: Yes, this is -- this</p> <p>5 exchange is Wednesday, October 24, 2001.</p> <p>6 A. Yes, that's what the document appears to</p> <p>7 be.</p> <p>8 Q. And the sender of the e-mail is a Mr.</p> <p>9 Andreas Nyfeler?</p> <p>10 A. Yes, that's what the document says.</p> <p>11 Q. Do you know who he is?</p> <p>12 A. I've met Andreas, but I can't picture him</p> <p>13 right now.</p> <p>14 Q. Okay. His signature on the e-mail lists him</p> <p>15 as global products manager. Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. And lists him in Basel, Switzerland?</p> <p>18 A. Yes, he would have been in Basel at that</p> <p>19 time.</p> <p>20 Q. So he was organizing a strategy meeting</p> <p>21 creating an agenda and sending it around to different</p> <p>22 participants who were invited to this meeting,</p> <p>23 correct?</p> <p>24 A. Yeah, this particular meeting, that's</p> <p>25 what the document says, related to corn strategy</p>
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<p>1 Q. And then the last paragraph, in Illinois</p> <p>2 corn on corn gaining traction. Do you see that?</p> <p>3 Three farmers I spoke to had, and the whole</p> <p>4 paragraph he's there in Illinois with the reps,</p> <p>5 correct?</p> <p>6 A. That's what this document says, yes.</p> <p>7 Q. And Mr. Cornes worked for which Basel</p> <p>8 entity at that time in July 2006?</p> <p>9 A. I don't know.</p> <p>10 Q. Do you know what his job title was?</p> <p>11 A. I do not.</p> <p>12 (Plaintiff's Exhibit 5: An e-mail string</p> <p>13 with the top from Robert Wurz dated 10/24/01,</p> <p>14 Bates SYN01791910 marked for identification,</p> <p>15 as of this date.)</p> <p>16 Q. I'll show you what's been marked as</p> <p>17 Exhibit 5 and ask you to look at that, please.</p> <p>18 A. Okay.</p> <p>19 Q. Does this appear to be an e-mail where a</p> <p>20 Syngenta Crop Protection, AG employee is organizing a</p> <p>21 corn strategy meeting in Greensboro in November 2001?</p> <p>22 MR. POPE: Could we note that it's</p> <p>23 Syngenta number 0 --</p> <p>24 MR. TILLERY: Oh, I'm sorry.</p> <p>25 MR. POPE: -- 179?</p>	<p>1 and triazine scenarios.</p> <p>2 Q. The primary objectives for that meeting, he</p> <p>3 says shows you what we consider as the primary</p> <p>4 objective to objective of the workshop.</p> <p>5 Do you see that reference?</p> <p>6 A. Well, the attached agenda it references</p> <p>7 is not there. But I see the words that you</p> <p>8 referenced.</p> <p>9 Q. And I don't have it either, sir, or I'd</p> <p>10 give it to you.</p> <p>11 Judy and myself prepared the attached draft</p> <p>12 agenda which shows you what we consider as the</p> <p>13 primary objective of the workshop.</p> <p>14 Do you see that?</p> <p>15 A. That's what the document says, yes.</p> <p>16 Q. Now, the people who were invited to this</p> <p>17 were Norma Glidewell. She's from Syngenta Crop</p> <p>18 Protection, Inc.?</p> <p>19 A. She would have been at that time, yes.</p> <p>20 Q. And Alan Camp was?</p> <p>21 A. Yes.</p> <p>22 Q. And Matt Comer?</p> <p>23 A. Matt would have been with Syngenta Crop</p> <p>24 Protection, Inc. at that time, yes.</p> <p>25 Q. Derek Cornes? He was in Basel, wasn't he?</p>

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<p>1 A. According to his e-mail indicator.</p> <p>2 Q. And Judy Garrett was in Basel?</p> <p>3 A. That's what the document says.</p> <p>4 Q. Vern Hawkins, you were invited, weren't</p> <p>5 you?</p> <p>6 A. I was, yes.</p> <p>7 Q. And a Mr. J.R. James was invited, he was</p> <p>8 from Crop Protection, Inc., right?</p> <p>9 A. Syngenta Crop Protection, Inc., yes.</p> <p>10 Q. And Mike Johnson from was from Syngenta</p> <p>11 Crop Protection, Inc.?</p> <p>12 A. Yes.</p> <p>13 Q. So was Frank Knight and Janis McFarland?</p> <p>14 A. Yes.</p> <p>15 Q. And Greg Peters was from Crop Protection,</p> <p>16 Inc.?</p> <p>17 A. Yes.</p> <p>18 Q. And then Alfred Seiler, who was from Basel,</p> <p>19 correct?</p> <p>20 A. That's what the document says, yes.</p> <p>21 Q. And Dino Sozzi was from Basel?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. And Andreas Zoschke on the bottom was</p> <p>24 from Basel, correct?</p> <p>25 A. That's what the document says, yes.</p>	<p>1 A. If the U.S. market was an important part</p> <p>2 of the decision, Syngenta Crop Protection, Inc.</p> <p>3 employees would -- would be present.</p> <p>4 Q. I'll show you what's been marked as</p> <p>5 Exhibit 6.</p> <p>6 (Plaintiff's Exhibit 6: An e-mail string</p> <p>7 with the top from Dan Campbell dated 10/19/07,</p> <p>8 Bates SYN012751724 - 726 marked for</p> <p>9 identification, as of this date.)</p> <p>10 Q. Take a look at that, please. This is Bates</p> <p>11 rates range Syngenta 51724 through 51726. And this</p> <p>12 involves a exchange in October 2007 by e-mail.</p> <p>13 MR. POPE: Thank you.</p> <p>14 A. Okay.</p> <p>15 Q. Okay.</p> <p>16 If you go to the very last page, which is</p> <p>17 the first e-mail that is dated I think around</p> <p>18 August 15th, 2007. It comes from a person named</p> <p>19 Willy Maurer. Do you see that?</p> <p>20 A. I do see that, yes.</p> <p>21 Q. Do you know who Willy Maurer is?</p> <p>22 A. I've met Willy, yes.</p> <p>23 Q. Do you know what his job is?</p> <p>24 A. He -- he's in global product management,</p> <p>25 but I don't know what his full job is, no.</p>
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<p>1 Q. Did you have this meeting?</p> <p>2 A. My recollection -- I don't remember</p> <p>3 attending the meeting myself. But I know that</p> <p>4 there was a meeting on this topic.</p> <p>5 Q. And where did they have the meeting?</p> <p>6 A. I don't recall.</p> <p>7 Q. It says that the meeting's to take place in</p> <p>8 Greensboro on November 27th. It was a meeting you</p> <p>9 didn't attend, as far as you can recollect?</p> <p>10 A. I recall the subject. I don't know if I</p> <p>11 was at the meeting or not.</p> <p>12 Q. Okay.</p> <p>13 A. But we certainly would have had</p> <p>14 conversations about this topic.</p> <p>15 Q. Okay. It's not uncommon for Syngenta's</p> <p>16 Basel-based employees to organize strategy meetings</p> <p>17 where Syngenta Crop Protection, Inc. employees are</p> <p>18 asked to attend, is it?</p> <p>19 A. Well, as I mentioned before, we operate a</p> <p>20 global strategy umbrella with local execution to</p> <p>21 tailor to local needs. So in -- for a subject like</p> <p>22 this, you know, it would not be uncommon for the</p> <p>23 triazine scenarios to be worked with the U.S. team.</p> <p>24 Q. So this sort of thing would not be an</p> <p>25 uncommon occurrence?</p>	<p>1 Q. Does this appear, this first e-mail, to be</p> <p>2 an e-mail from a Basel employee asking a Syngenta</p> <p>3 Crop Protection employee, actually two of them, to</p> <p>4 attend a workshop on the long-term future of</p> <p>5 atrazine, and the workshop is to be conducted in</p> <p>6 Basel?</p> <p>7 A. It is a request to run a scenario</p> <p>8 planning workshop for atrazine for long-term future</p> <p>9 scenarios for the compound.</p> <p>10 Q. And Mr. Maurer, Willy Maurer from Basel</p> <p>11 lists himself as the global product manager for</p> <p>12 triazines?</p> <p>13 A. Where do you see that?</p> <p>14 Q. I understand it's coming in the next</p> <p>15 exhibit.</p> <p>16 A. Okay.</p> <p>17 Q. But let me just ask you, do you know what</p> <p>18 his title was at that time?</p> <p>19 A. I don't, no.</p> <p>20 Q. Okay. Well, let me ask you to assume that</p> <p>21 he listed himself at around that time as the global</p> <p>22 product manager for triazines.</p> <p>23 A. Okay.</p> <p>24 Q. Okay. In around August 2007 he decided to</p> <p>25 run a workshop on the long-term future of atrazine in</p>

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<p>1 Basel Switzerland and asked these two men to attend, 2 correct, from this e-mail? 3 A. Yes, that's what the document says. 4 Q. Mr. Camp was already going to be in Basel 5 the week before, according to this e-mail? 6 A. That's what it says, yes. 7 Q. Do you know who Jan Suter is? 8 A. It's Jan Suter. 9 Q. January, I'm sorry? 10 A. Yeah. 11 Q. And do you know who he is? 12 A. I know him, yes. 13 Q. Does he work for Syngenta Crop Protection, 14 Inc.? 15 A. He did not at the time. And I don't 16 think he does now. 17 Q. Do you know where he works? 18 A. Not specifically. It's in Europe today. 19 Or our Europe, Africa, Middle East region I should 20 say. He works in that region. 21 Q. Is it common for Basel employees to ask 22 Syngenta Crop Protection employees to attend 23 workshops in Basel? 24 A. Well, if it's a strategy planning 25 session, as I mentioned before, global strategy,</p>	<p>1 decision. 2 Q. I'll show you what's been marked as 3 Exhibit 7. 4 (Plaintiff's Exhibit 7: A document 5 entitled Review of Triazine Strategy from a 6 Global Perspective March 22, 2005 Greensboro, 7 Bates SYN02781983 - 2726 marked for 8 identification, as of this date.) 9 Q. This is Bates range Syngenta 81983 through 10 82026. I mean, this looks to me like some kind of 11 Power Point presentation that was given to us or some 12 kind of a presentation by Mr. Maurer in Greensboro on 13 March 22, 2005. He lists himself as global product 14 manager for triazines in Basel. 15 Do you see that on the front page? 16 A. I do see that, yes. 17 Q. All right. Who are the global product 18 leaders or global product managers within Syngenta's 19 worldwide crop protection business? 20 Do you know who those people are? 21 A. I would know some of them, but I don't 22 know all of them, no. 23 Q. Do you know who they're employed by? 24 A. No, I don't. 25 Q. Are they all located in Basel?</p>
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<p>1 local execution, it wouldn't be uncommon to have it 2 there for the sake of easy travel and planning. 3 Q. How often -- I'm sorry. 4 A. We would have had some in the U.S. as 5 well on corn herbicides or markets that were 6 important to the U.S. 7 Q. How often do Syngenta Crop Protection 8 employees travel to Basel for meetings? 9 A. I don't know. But we do try to manage 10 the frequency just due to costs. But I don't know 11 what typical would be. 12 Q. Do you have to approve those trips? 13 A. Today I do, yes. 14 Q. When did it change? 15 A. My recollection is probably two to three 16 years ago. So it had been changed prior to me 17 being appointed the president. But only for a one 18 to two-year period. 19 Q. Did Mr. Atkin tell you you couldn't travel 20 first class to Basel anymore? 21 A. No, he did not. 22 Q. Are you sure about that? 23 A. I didn't, but he did not tell me that, 24 no. Fact of it is our whole team doesn't fly 25 business class without my approval. That was our</p>	<p>1 A. I believe they are, but I don't know that 2 definitively. 3 Q. Who are the ones you know? 4 A. Michael Stepan would be one of the senior 5 gentlemen. And then Mark Bidwell is another global 6 product manager. I believe Willy Maurer is still 7 there doing some role in global product management. 8 There would be a few that I can recall. But there 9 are -- there are many more. 10 Q. And are there regional product managers for 11 NAFTA as well? 12 A. Not to my knowledge. 13 Q. What about U.S. product managers? 14 A. Not to my knowledge. Not in Basel. We 15 have those clearly in Greensboro. 16 Q. Right. 17 A. And those are Syngenta Crop Protection, 18 Inc. employees. They all report to Travis 19 Dickinson, who is the head of marketing. Reports 20 to me. 21 Q. Now, this is a sort of a global product 22 strategy meeting on triazines, wasn't it? 23 Did you attend this, by the way? 24 A. I don't recall attending this, no. 25 Q. Who would Mr. Maurer -- by looking at the</p>

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<p>1 document, if you can tell, one way or another, who he</p> <p>2 would have been likely presenting this to?</p> <p>3 MR. POPE: Objection to the form of the</p> <p>4 question.</p> <p>5 Q. Can you tell?</p> <p>6 A. No, I can't tell by looking at the</p> <p>7 document.</p> <p>8 Q. Yeah, but I include with that your</p> <p>9 understanding of how the operation works when a</p> <p>10 Syngenta, AG employee comes from Basel to talk to a</p> <p>11 group of Syngenta Crop Protection employees on a</p> <p>12 review of triazine strategy from a global</p> <p>13 perspective?</p> <p>14 MR. POPE: In 2005?</p> <p>15 MR. TILLERY: In 2005.</p> <p>16 Q. Do you know who he might have been talking</p> <p>17 to?</p> <p>18 MR. POPE: Objection to form of the</p> <p>19 question. Go ahead.</p> <p>20 A. I mean, I certainly could envision who a</p> <p>21 couple of the people might be. But I couldn't give</p> <p>22 you a whole attendee set. It likely would have</p> <p>23 been the product line teams that I referenced</p> <p>24 earlier.</p> <p>25 Q. Okay. Would you look at page two of that</p>	<p>1 MR. TILLERY: No. And the smart kids</p> <p>2 don't know it either, so.</p> <p>3 Q. I was just --</p> <p>4 MR. POPE: We're all in this together</p> <p>5 then.</p> <p>6 MR. TILLERY: Yeah.</p> <p>7 A. I mean, it looks like sales to me. But I</p> <p>8 can't tell you the currency.</p> <p>9 Q. And we don't know what currency.</p> <p>10 So we're in the U.S., maybe they were using</p> <p>11 U.S. currency for the meeting?</p> <p>12 A. Possibly.</p> <p>13 Q. Okay. But that 17.5 number in the U.S.A.</p> <p>14 versus year to date in a meeting conducted in March</p> <p>15 or February says 17.7.</p> <p>16 Do you know if those -- what those numbers</p> <p>17 reflect?</p> <p>18 A. No, I don't.</p> <p>19 Q. Okay. Take a look at the next page.</p> <p>20 At the top of it it gives a year to date</p> <p>21 variance versus budget. Do you see that?</p> <p>22 A. Yes, I do.</p> <p>23 Q. Now, do you know what budget that would</p> <p>24 have been referencing?</p> <p>25 A. Well, according to the document, it's</p>
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<p>1 document. That's Syngenta 81984.</p> <p>2 Do you know what these figures represent?</p> <p>3 A. The document, it says they represent the</p> <p>4 variance between 2005 and 2004 for major countries.</p> <p>5 Doesn't say if it's sales for atrazine or</p> <p>6 terbuthylazine. But it probably is sales.</p> <p>7 Q. And what are those numbers?</p> <p>8 MR. POPE: Help him with the spelling of</p> <p>9 that.</p> <p>10 THE WITNESS: T-E-R-B-U-T-H-Y-L-A-Z-I-N-E.</p> <p>11 Q. What do these numbers reflect, sir, on page</p> <p>12 two of Exhibit 7?</p> <p>13 MR. POPE: Objection to the form of the</p> <p>14 question.</p> <p>15 A. I think I -- he doesn't say whether</p> <p>16 they're sales. But that's what -- and I don't know</p> <p>17 what currency it's in.</p> <p>18 Q. You don't know what currency it's in?</p> <p>19 A. Well, not according to this chart I</p> <p>20 don't. Unless you see it on there and I don't.</p> <p>21 Q. I don't, sir. This -- I actually was --</p> <p>22 this is not a question that I think I know the answer</p> <p>23 to. I was really looking to find out something from</p> <p>24 you.</p> <p>25 MR. POPE: And Mike doesn't either.</p>	<p>1 2005.</p> <p>2 Q. Yes, but do you know which -- which 2005</p> <p>3 budget they're talking about?</p> <p>4 A. It looks like for atrazine and</p> <p>5 terbuthylazine.</p> <p>6 Q. All right. Did Syngenta Crop Protection,</p> <p>7 AG set budgets for atrazine on a global level?</p> <p>8 A. I don't know what happened in 2005, but I</p> <p>9 can sort of explain how it works in practice.</p> <p>10 Q. Today?</p> <p>11 A. Today. And very similarly when I was in</p> <p>12 the marketing group previously, is we would agree a</p> <p>13 budget for the U.S. or NAFTA region based on some</p> <p>14 dialogue. There would be assumptions by product.</p> <p>15 But performance would be delivered in total.</p> <p>16 That's what the obligation is in terms of how we're</p> <p>17 measured. But we would start with a plan by active</p> <p>18 ingredient.</p> <p>19 Q. Based on the preceding year's performance</p> <p>20 as an expected performance as costs?</p> <p>21 A. As one input, history would be one input,</p> <p>22 future opportunity of the markets in the next year,</p> <p>23 competitive products, all those things would be</p> <p>24 factors that we would provide input on.</p> <p>25 Q. And who do you submit those budgets to?</p>

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<p>1 A. I would have a budget review discussion 2 as the president and in my role today with John 3 Atkin. 4 Q. And what about marketing budgets, how is 5 that done? 6 A. I would set the marketing budgets for 7 Syngenta Crop Protection, Inc. Occasionally there 8 would be a strategic project that we would be given 9 mid year funding on that wasn't in the budget, but 10 -- or we would be a given a concession to exceed 11 our planned spend. 12 Q. Is the marketing budget subsumed within the 13 overall budget? 14 A. In terms of how we're measured at the 15 U.S. Syngenta Crop Protection, Inc., yes, but it is 16 line itemed as marketing expense. 17 Q. Is there any person besides Mr. Atkin you 18 go to with your budget proposals? 19 A. Not typically. 20 Q. Okay. Have you done that as president yet? 21 Are you doing it right now? 22 A. I'm doing it right now. 23 Q. Have you submitted your budget to him this 24 month? 25 A. We have talked about a first draft and a</p>	<p>1 A. I don't know. 2 Q. Is he talking about Syngenta group of 3 companies crop protection business? 4 MR. POPE: Objection to the form of the 5 question. 6 A. I would certainly read it when it says 7 defending grow our business in the U.S.A. because 8 all sales are reported through Syngenta Crop 9 Protection, Inc., look at it that way. 10 Q. He's talking about our business in the 11 U.S.A., right? 12 A. That's what the document says. 13 Q. Okay. Is it fair to say that Syngenta Crop 14 Protection, Inc. represents Syngenta's crop 15 protection business in the United States? 16 MR. POPE: Objection to the form of the 17 question. 18 A. It represents Syngenta's crop protection 19 business only. There are other U.S. sales not in 20 Syngenta Crop Protection, Inc. 21 Q. Yeah, but for the sales they do, it 22 represents Syngenta's crop protection business? 23 A. For the sales who does? 24 Q. The sales Syngenta Crop Protection, Inc. 25 does.</p>
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<p>1 second draft. 2 Q. Turn to page seven of that document. Well, 3 let's -- 4 A. If you don't mind, give me a few minutes 5 just to sort of get the full context of the 6 document. 7 Q. Of course. Of course, sir. 8 MR. TILLERY: While he's looking at this, 9 I want the record to reflect that I have not 10 coughed for five minutes. 11 MR. POPE: While he's reading. 12 I think you have turned up the heat in 13 here. 14 A. Okay. Page seven? 15 Q. Page seven, sir. 16 Could you read the first bullet for me on 17 the record. 18 A. We need atrazine to secure our position 19 in the corn marketplace. Without atrazine we 20 cannot defend and grow our business in the USA. 21 That's what the first bullet says. 22 Q. What business do you think Willy Maurer was 23 referring to when he said our business? 24 MR. POPE: Objection to the form of the 25 question.</p>	<p>1 MR. POPE: Same objection. 2 A. Repeat the question, please. 3 Q. Is it fair to say that Syngenta Crop 4 Protection, Inc. represents Syngenta's crop 5 protection business in the United States? 6 A. For the most part I believe that to be 7 true, yes. 8 Q. Okay. Now can you read the third bullet 9 there? 10 A. Atrazine, turbuthylazine are critical 11 mixing partners for our high value corn brands and 12 corn strategy is what bullet three says. 13 Q. Are the brand trademarks that appear in the 14 top right-hand corner of that page corn herbicide 15 products? 16 A. I recognize two of them, yes. But I 17 don't know about all six -- 18 Q. Which two do you recognize? 19 A. Lumax and Lexar, which are the brand of 20 products sold by Syngenta Crop Protection, Inc. 21 Q. Gardo Gold and Polaris you don't recognize? 22 A. I don't recognize them certainly as U.S. 23 Syngenta Crop Protection, Inc. brands. 24 Q. Could they be -- I'm sorry, I interrupted. 25 Were you finished, sir?</p>

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<p>1 A. Yes.</p> <p>2 Q. Okay. Could they be products that are sold</p> <p>3 by other Syngenta entities around the world?</p> <p>4 A. They could be, yes.</p> <p>5 Q. When Willy Maurer mentions our high value</p> <p>6 corn brands, is he talking about Syngenta's high</p> <p>7 value corn brands, not just Syngenta Crop Protection,</p> <p>8 Inc.'s?</p> <p>9 MR. POPE: Objection to the form of the</p> <p>10 question.</p> <p>11 A. I don't know what his intent would have</p> <p>12 been.</p> <p>13 Q. Well, let's look at the next bullet.</p> <p>14 55 percent of the sales of Syngenta's lead active</p> <p>15 ingredient mesotrione will depend on triazines in</p> <p>16 2009.</p> <p>17 Okay? Do you see that?</p> <p>18 A. I do see that, yes.</p> <p>19 Q. Okay. What are the total \$340 million he's</p> <p>20 referring to? Is that U.S. sales or global sales?</p> <p>21 MR. POPE: Objection to the form of the</p> <p>22 question.</p> <p>23 A. I don't know without looking.</p> <p>24 Q. So when he says 188 million out of 340</p> <p>25 million, what are those two numbers referencing?</p>	<p>1 final cut 2004. Do you see that?</p> <p>2 A. I do, yes.</p> <p>3 Q. And the graph includes sales 2002 through</p> <p>4 2009 projected. Those are forecasts.</p> <p>5 Those are global sales or are they just</p> <p>6 U.S. sales?</p> <p>7 MR. POPE: Objection to the form of the</p> <p>8 question.</p> <p>9 A. I don't know without researching it.</p> <p>10 Q. If you go -- what does SYMPACT mean there?</p> <p>11 A. SYMPACT is an internal planning tool</p> <p>12 which is how we develop plans which frame the</p> <p>13 budget discussion. So every market segment, every</p> <p>14 proposed price, every volume and the competitor</p> <p>15 analysis is done through that tool.</p> <p>16 Q. Is it a global planning tool?</p> <p>17 A. It's a regional and a global planning</p> <p>18 tool. So we would create a regional plan and then</p> <p>19 it's formatted in a similar structure such that it</p> <p>20 can be aggregated by the global team when they want</p> <p>21 to.</p> <p>22 Q. Do Syngenta companies that do proposed</p> <p>23 budgets, anyone that does this proposed budget like</p> <p>24 Syngenta Crop Protection, Inc., do they have access</p> <p>25 to SYMPACT?</p>
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<p>1 MR. POPE: Objection to the form of the</p> <p>2 question.</p> <p>3 A. I don't know off the top of my head.</p> <p>4 Q. You think those might be U.S. sales only?</p> <p>5 A. I don't know.</p> <p>6 Q. Okay. Does it appear to be that the 55</p> <p>7 percent is a -- represents the \$188 million in U.S.</p> <p>8 of the 340 million global?</p> <p>9 MR. POPE: Objection to the form of the</p> <p>10 question.</p> <p>11 A. Read it again here.</p> <p>12 It would -- it would imply that according</p> <p>13 to this document.</p> <p>14 Q. Do you know what the sales of all products</p> <p>15 containing atrazine in the United States are for</p> <p>16 Syngenta Crop Protection, Inc.?</p> <p>17 A. Today?</p> <p>18 Q. Yeah. Yes.</p> <p>19 A. Not definitively, I don't.</p> <p>20 Q. What would they be in 2009?</p> <p>21 A. If you count mixtures, certainly would</p> <p>22 have expected them to be north of -- of 300</p> <p>23 million. But I don't know the exact number.</p> <p>24 Q. Look at the next page where entitled that</p> <p>25 Syngenta 81990, Syngenta sales forecast, SYMPACT</p>	<p>1 A. Somebody in the company would. But I</p> <p>2 personally don't have access to SYMPACT.</p> <p>3 Q. But somebody that works for you and reports</p> <p>4 to you has it?</p> <p>5 A. Yeah, we load the plan in the system and</p> <p>6 Syngenta Crop Protection, Inc., yes. And create</p> <p>7 our regional view, which we then have a business</p> <p>8 discussion at the NAFTA regional leadership team</p> <p>9 level before proposing a final plan for budget</p> <p>10 discussion and/or future opportunity.</p> <p>11 Q. Is it part of when you make these</p> <p>12 contributions to it, a -- an evolving global document</p> <p>13 that is constantly updated?</p> <p>14 A. No. It's one-time a year process. So we</p> <p>15 do it typically in -- completed in August. So</p> <p>16 we've just finished that process.</p> <p>17 Q. Okay. If you go to Syngenta 81992. And</p> <p>18 this slide is entitled key strategic elements. The</p> <p>19 first bullet, if you'd read that, please.</p> <p>20 A. Defend atrazine to make it sustainable</p> <p>21 outside Europe. Preserve regulatory position via</p> <p>22 vigorous stewardship is what the first bullet says.</p> <p>23 Q. What does that mean to you?</p> <p>24 MR. POPE: Objection to the form of the</p> <p>25 question.</p>

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<p>1 A. What it means to me that we want 2 protect the registration of atrazine for use not 3 just in the U.S., but outside the U.S. as well, 4 Europe specifically. 5 Q. And the limitation outside Europe refers to 6 the fact that atrazine could not be sold in western 7 Europe, the EU? 8 A. Say that again, please. 9 Q. And that limitation where he says, outside 10 Europe, refers to the fact that atrazine couldn't be 11 sold in the EU, correct? 12 MR. POPE: Object to the form of the 13 question. 14 A. I don't know. It may not. Because I 15 don't think every EU country sells atrazine. So I 16 don't know. 17 Q. You said you don't think every EU country 18 sells atrazine? 19 A. I don't think so, but. 20 Q. Which EU country sells it? 21 A. I know one that does. 22 Q. Which one? 23 A. There's more than one. But France, Italy 24 at this time. 25 Q. At which time?</p>	<p>1 A. Reduced production cost at St. Gabriel 2 through cost saving project and redesign supply 3 chain elements to guarantee a cost effective 4 atrazine source is what bullet three says. 5 Q. What cost saving project does this bullet 6 refer to? 7 MR. POPE: Objection to the form of the 8 question. 9 Q. If you can tell. 10 A. To me, it's referencing the costs to make 11 atrazine. 12 Q. Okay. And then it says the redesign of 13 supply chain elements. With your knowledge of 14 Syngenta vernacular, what would that mean? 15 MR. POPE: Objection to the form of the 16 question. 17 A. Well, it could mean in the term supply 18 chain, as I know it, could mean anything related to 19 where the product's sourced, how it's moved, how 20 it's made from a processing standpoint, raw 21 material purchasing. 22 Q. To guarantee a cost effective atrazine 23 source. 24 Okay. So does Syngenta have a global 25 supply chain function?</p>
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<p>1 A. This is a 2004, 2005 document, right? 2 Q. Okay. Do they sell it now? 3 A. They do not now. 4 Q. Okay. 5 A. They sell terbuthylazine. 6 Q. Okay. 7 A. It's a better fit for the marketplace. 8 MR. TILLERY: We're out of tape. So we 9 have to shut down at this point. 10 THE VIDEOGRAPHER: Stand by. This marks 11 the end of videotape number two, volume one in 12 the deposition of Vern Hawkins. Going off the 13 record. The time is 2:41:53. 14 (A BRIEF RECESS WAS TAKEN.) 15 THE VIDEOGRAPHER: This marks the 16 beginning of videotape number three, volume 17 one in the deposition of Vern Hawkins. The 18 time is 2:56 and 35 seconds. 19 Please continue. 20 Q. We were discussing Plaintiff's Exhibit 21 Number 7, page ten. And I think you have that in 22 front of you. That's Bates SYN 81992. 23 A. I do have it. 24 Q. Go to the third bullet and read that one, 25 please.</p>	<p>1 A. There are global supply chain person -- 2 or people that are accountable for managing the 3 supply chain globally, yes. How they're 4 structured, I'm not sure. 5 Q. Their structure effects the production of 6 atrazine at the St. Gabriel plant, doesn't it? 7 A. The plant is managed by St. Gabriel per 8 employees. 9 Q. Right. 10 A. What I don't know is how they manage the 11 export versus the domestic supply. 12 Q. And their production needs, they're told 13 how much to produce, aren't they? 14 A. Well, I mentioned the -- we have a 15 forecasting process called SYMPACT. We also have a 16 -- a monthly process where we forecast demand for 17 markets. And Syngenta Crop Protection, Inc. would 18 forecast demand for our market just as other people 19 would for their markets. 20 Q. What is that called? 21 A. It's the S&OP, sales and operations 22 planning. 23 Q. S&OP? 24 A. Right. 25 Q. Is that another software system?</p>

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<p>1 A. No. It is a process. There is software, 2 clearly, that we use to operate the process. But 3 that is a process. 4 Q. The key elements of atrazine, are those 5 ingredients sourced globally for the St. Gabriel 6 plant? 7 A. I don't know. 8 Q. Is that done through a global supply 9 function? 10 A. I don't know because I'm not sure they 11 source -- how they source raw materials for that 12 plant. 13 Q. Look at the last bullet and read that one, 14 please. 15 A. Focus marketing efforts on mixtures to 16 maximize sales and profit of new brands to 17 compensate for the low profit of atrazine tech is 18 what the last bullet says. 19 Q. This was the marketing approach that the 20 global product leadership in Basel thought was best 21 to maximize global profit on atrazine, wasn't it? 22 MR. POPE: Objection to the form of the 23 question. 24 A. That -- that's what this bullet point 25 reads on the slide. What it's full intent was and</p>	<p>1 MR. POPE: Of our new brands. 2 Q. Sorry, of our new brands to maximize the 3 gross profit of the mixtures. And four, the loss of 4 gross profit on atrazine tech is compensated by the 5 increase of gross profit on the mixtures. 6 Do you understand what's being said there? 7 MR. POPE: Objection to the form of the 8 question. 9 A. I understand the dialogue is largely 10 around capacity utilization, volume of sales versus 11 price. So a price volume trade off. 12 Q. Was that strategy implemented? 13 A. I don't know if it was. What I can tell 14 you is today the atrazine business is in a lot 15 different place financially than where it was at 16 this time. 17 Q. We'll talk about that. 18 But can you tell me whether or not when you 19 had other jobs at this time period, which would have 20 been March of 2005, were you in a position to know 21 whether or not this strategy was utilized? 22 A. I knew that the strategy was being 23 considered due to a reregistration approval in 24 2006. I'm not sure if the strategy was 25 implemented.</p>
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<p>1 where it was derived from is not clear. 2 Q. The front page tells where it's derived 3 from, doesn't it? 4 A. The front page tells who presented the 5 presentation. 6 Q. And he presents himself as Willy Maurer, 7 global product manager for triazines in Basel, 8 correct? 9 A. That's what the slide says. 10 Q. And he's still with the company? 11 A. To my knowledge, he is. 12 Q. Does he have the same role? 13 A. I don't know. 14 Q. Go to the next slide, page 11 of the 15 presentation, Syngenta 278193. 16 I'm sorry, 2781993. 17 And this says, for the record, we reduced 18 the supply price of atrazine tech to recuperate 19 market share from the generics and regain volumes. 20 Two, the increase of volumes and other triazine 21 redesign activities allows the substantial reduction 22 of the production costs of atrazine. Three, we 23 maintain, increase the selling price of our new 24 products to maximize the growth -- gross profit of 25 the mixtures.</p>	<p>1 Q. And this strategy was presented by Willy 2 Maurer from Basel, the global product manager for 3 triazines, correct? 4 A. That's what the slide deck says. 5 Q. And the next page, Syngenta 1994, says 6 global commercial triazine strategy. Like a puzzle, 7 some pieces in place, others still missing. 8 Do you see that? 9 A. I do see that, yes. 10 Q. And the pieces that are in place, Syngenta 11 is committed to preserve regulatory position on 12 atrazine. 13 Do you see that? 14 A. I do see that, yes. 15 Q. Was that a reference to the global Syngenta 16 organization? 17 MR. POPE: Objection to the form of the 18 question. 19 A. I don't know what reference that is based 20 on the wording. 21 Q. Was atrazine undergoing a review by the EPA 22 in 2005? 23 A. It was, yes. 24 Q. Could you please read the second item under 25 pieces in place?</p>

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<p>1 A. New ready mixtures containing meso and/or 2 S-MOC plus triazines are introduced. 3 Q. Do you know what that reference is? 4 A. I don't know definitively, but what it 5 probably refers to is the introduction of mixture 6 products in the marketplace. 7 Q. Was that about the time they were 8 introduced? 9 A. I don't recall specifically. But it's -- 10 it's close to that time. 11 Q. And what was your job in March of 2005? 12 A. I would have been either just taking on 13 the U.S. commercial operations role or just 14 finishing up my horticulture business unit 15 management role, depending on what time in 2005. 16 Q. Where were those -- strike that. 17 Where were the mixtures developed? 18 A. In what -- what regard, in terms of 19 product concepts or formulated? 20 Q. Look at item three under pieces in place. 21 A. Mixes of glyphosate plus atrazine are 22 being developed. 23 Q. Yes. 24 Where were they being developed? 25 A. I don't know where the work was being</p>	<p>1 GRNVL0000064906 - 907 marked for 2 identification, as of this date.) 3 Q. Please take a look at Exhibit No. Eight 4 please. This is Greenville 64906, 64907. This is an 5 e-mail exchange November 6, 2007 starting with Willy 6 Maurer. 7 MR. POPE: Off the record. 8 (A DISCUSSION WAS HELD OFF THE RECORD.) 9 A. Yeah, I've read it. 10 Q. Earlier you mentioned that the atrazine 11 financial picture is different now than it was in 12 2005. 13 How is it different? 14 A. The period of this document is still 15 quite different, you know, than today as well. 16 MR. POPE: I don't think your question 17 was focused on this document, was it? 18 Q. No, I'm sorry, sir. 19 MR. POPE: This is a general question. 20 Q. I'm sorry, he's right. 21 A. So what I was referencing when I made 22 that comment was the demand for atrazine for 2005 23 surged quite significantly, which this document 24 references a need to allocate product because 25 demand exceeded supply. And atrazine now is back</p>
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<p>1 done. But they would have been planned for launch 2 in the U.S. market for sales. 3 Q. Where was the work being done? 4 A. I don't know. 5 Q. When I say developed, I mean actually 6 developed. 7 MR. POPE: He means actually I don't know 8 when he says I don't know. 9 Q. So you don't know where? 10 A. It could have very well been the U.S., I 11 just don't know. 12 Q. Okay. Go to page 14, which is Syngenta 13 1996. And the presentation references in the first 14 bullet the need to finalize atrazine mid long-term 15 agreements with third-party companies. 16 What is a mid-long term agreement with 17 third-party companies that could be referenced there? 18 MR. POPE: Objection to the form of the 19 question. 20 A. I'm not sure I could give you a specific, 21 but I suspect it's managed by the legal guidelines 22 of length of contract. Probably three to five 23 years would be a typical example. 24 (Plaintiff's Exhibit 8: An e-mail string 25 with the top from Ayannah Chance, Bates</p>	<p>1 at a point where there's plenty of supply and not 2 the same demand curve. So a lot of that is driven 3 by corn acres, which is the crop where most of the 4 atrazine is used. 5 Q. So it's gone in a sort of a bell curve 6 since that 2005 document? 7 A. More of a roller coaster, yes. 8 Q. All right. The document you have in front 9 of you that we've identified, I think it's marked as 10 Exhibit Number 8. This is an e-mail exchange where 11 Willy Maurer sends around a global proposal for an 12 allocation plan for the first two campaigns of 13 atrazine 90, correct? 14 A. That's what the document says, yes. 15 Q. And he sends it to Syngenta employees in 16 the U.S. as well as in Basel, right? 17 A. That's what the document shows, yes. 18 Q. And he refers to himself as the global 19 product manager in Basel, correct? Or at least 20 that's what he was timing-wise from other documents? 21 A. From the other document we reviewed in 22 2005, that's true. I don't see it on this 23 particular document. 24 Q. What is atrazine 90? 25 A. It's a dry formulation product of</p>

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<p>1 atrazine.</p> <p>2 Q. Was it manufactured at the St. Gabriel</p> <p>3 plant?</p> <p>4 A. I believe it is. Because it's a</p> <p>5 formulation, it's possible that it's different done</p> <p>6 at a different site.</p> <p>7 Q. Michael Ciszak, do you see his response?</p> <p>8 A. I do, yes.</p> <p>9 Q. Yes.</p> <p>10 And Michael Ciszak is also from Basel?</p> <p>11 A. According to this document. His e-mail</p> <p>12 address would indicate that.</p> <p>13 Q. And he responds that he will try to get it</p> <p>14 approved from the finance perspective while Alan</p> <p>15 could follow up on supply chain.</p> <p>16 Do you see that?</p> <p>17 A. That's what the document says.</p> <p>18 Q. And who is Alan?</p> <p>19 A. I don't believe I know.</p> <p>20 Q. Okay. Michael Ciszak from this e-mail</p> <p>21 exchange appears to be a business controller in</p> <p>22 Basel, correct?</p> <p>23 A. I don't know that that's the case.</p> <p>24 Supply chain allocation would typically be done by</p> <p>25 the supply chain.</p>	<p>1 Q. And this Basel person who is Michael Ciszak</p> <p>2 in Basel, who, as far as you know, would he contact</p> <p>3 in the global supply chain group for approval for</p> <p>4 this process?</p> <p>5 A. I don't know that he would contact one</p> <p>6 person. It's probably the SOP.</p> <p>7 Q. It would be the group in Basel. What do</p> <p>8 you call them, the SOP?</p> <p>9 A. Yeah, sales and operation planning --</p> <p>10 Q. Yes.</p> <p>11 A. -- team.</p> <p>12 (Plaintiff's Exhibit 9: An e-mail string</p> <p>13 with the top from Ayannah Chance dated</p> <p>14 11/11/07, Bates GRNVL0000064902 marked for</p> <p>15 identification, as of this date.)</p> <p>16 Q. Okay. Number 9 is a document Bates</p> <p>17 numbered Greenville 64902, which appears to be a</p> <p>18 November 7th, 2007 e-mail exchange between Mr. Maurer</p> <p>19 and Stepan -- or Michael Stepan and others. If you'd</p> <p>20 look at that for a second.</p> <p>21 A. Okay. Ready.</p> <p>22 Q. Okay. This is the Willy Maurer -- I think</p> <p>23 from the other e-mails we've seen, the global product</p> <p>24 manager in Basel sending around a proposed allocation</p> <p>25 of atrazine WG 90 that is being produced by Syngenta</p>
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<p>1 Q. Do you know what entity in the Syngenta</p> <p>2 group of entities he's employed by?</p> <p>3 A. I don't know him, so no.</p> <p>4 Q. Do you know what he's referring to when he</p> <p>5 says approved from the finance perspective?</p> <p>6 A. I don't know definitively. I suspect</p> <p>7 it's related to product mix variations from one</p> <p>8 product type to another.</p> <p>9 Q. Who would actually approve the global</p> <p>10 allocation of atrazine 90 from the finance</p> <p>11 perspective?</p> <p>12 A. Typically that would be a decision taken</p> <p>13 by the SOP group that I referenced before.</p> <p>14 Q. And what's the SOP group?</p> <p>15 A. Sales and operating planning.</p> <p>16 Q. And who would they be?</p> <p>17 A. We have one in NAFTA which manages our</p> <p>18 allocations and supply to demand correlation for</p> <p>19 the U.S., Canada and Mexico market. And there's</p> <p>20 one global, which is for the active ingredient</p> <p>21 placement, which would have supply chain, John</p> <p>22 Atkin would be on that, the region heads, myself</p> <p>23 would be on that. It would be a finance person on</p> <p>24 that team as well. Probably a few others. But</p> <p>25 predominantly supply chain and business personnel.</p>	<p>1 Crop Protection, Inc. at its St. Gabriel plant,</p> <p>2 correct?</p> <p>3 A. That's what the document refers to, yes.</p> <p>4 Q. And he solicits comments on the proposed</p> <p>5 plan from SCPI employees and Syngenta employees in</p> <p>6 Basel, correct?</p> <p>7 A. Talking about the note that Willy --</p> <p>8 Q. Yes, the last note, the first one.</p> <p>9 Do you see that on the bottom?</p> <p>10 A. Yes, so Alan Camp and -- would be supply</p> <p>11 chain employees, yes.</p> <p>12 Q. And he says he will build the comments in</p> <p>13 and send the final product to Mark Peacock.</p> <p>14 Who is Mark Peacock?</p> <p>15 A. I believe Mark Peacock is the chair of</p> <p>16 the sales and operating team I referenced. Also</p> <p>17 the head of supply chain globally.</p> <p>18 Q. So these e-mail exchanges in 8 and 9 were</p> <p>19 referring to the Basel supply chain operations for</p> <p>20 this product?</p> <p>21 A. They would have referred to the sales and</p> <p>22 operating planning process decision protocol.</p> <p>23 Q. In Basel?</p> <p>24 A. The people are located in Basel, yes.</p> <p>25 But there are people from around the world that</p>

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<p>1 participate on the call, myself included.</p> <p>2 Q. Okay. Is Mr. Peacock also on the Syngenta,</p> <p>3 AG executive committee?</p> <p>4 A. I'm not sure who the members of the</p> <p>5 Syngenta, AG executive committee are. He's a</p> <p>6 member of the Syngenta executive committee that we</p> <p>7 talked about previously, the SEC.</p> <p>8 Q. Okay. At this time he was head of global</p> <p>9 supply, wasn't he?</p> <p>10 A. I believe that was one of his</p> <p>11 responsibilities at this time.</p> <p>12 Q. Right.</p> <p>13 Among others?</p> <p>14 A. Yes.</p> <p>15 Q. In the e-mail at the top a Syngenta Crop</p> <p>16 Protection employee responds and writes, per the</p> <p>17 global process, we are to give the regions a chance</p> <p>18 to review the proposed allocation before submitting</p> <p>19 it to global for approval, correct?</p> <p>20 A. That's what it says, yes.</p> <p>21 Q. Is that a fair representation of how the</p> <p>22 global atrazine allocation process works?</p> <p>23 A. Well, this is likely referring to the</p> <p>24 regional NAFTA SOP process, which does feed into a</p> <p>25 global dialogue.</p>	<p>1 identification, as of this date.)</p> <p>2 Q. Please take a look at Exhibit Number 10,</p> <p>3 please. This is Greenville 52306, e-mail exchanges</p> <p>4 April 2006, April 27th, 2006.</p> <p>5 A. Okay. I've read it.</p> <p>6 Q. Okay. And this is Willy Maurer again, isn't</p> <p>7 it?</p> <p>8 A. Willy Maurer started this particular</p> <p>9 e-mail.</p> <p>10 Q. And he lists under his name global product</p> <p>11 manager for triazines in Syngenta CP Basel,</p> <p>12 Switzerland, right?</p> <p>13 A. He does in this document 2006, yes.</p> <p>14 Q. Does this appear to be an e-mail from Mr.</p> <p>15 Maurer to a person at a company called Agan?</p> <p>16 A. I think it's Agan, yes.</p> <p>17 Q. Where is Agan located?</p> <p>18 A. Well, it's -- an Israeli company,</p> <p>19 Makhteshim. I don't know the actual difference</p> <p>20 between the Makhteshim and the Agan piece, but it</p> <p>21 would likely be located in Israel.</p> <p>22 Q. Okay. And there are Basel and Syngenta Crop</p> <p>23 Protection, Inc. employees copied on this e-mail,</p> <p>24 correct?</p> <p>25 A. There are, yes.</p>
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<p>1 Q. Yes. But this person, is this Ayannah,</p> <p>2 Ayannah Chance?</p> <p>3 A. Yes.</p> <p>4 Q. This person still work at the company?</p> <p>5 A. She does.</p> <p>6 Q. And she refers to a global process,</p> <p>7 correct?</p> <p>8 A. Yes, she does in this document.</p> <p>9 Q. Okay. So if we could summarize, tell me if</p> <p>10 I understand the process, a person, in this case</p> <p>11 Willy Maurer in Basel, creates a proposed allocation</p> <p>12 plan, solicits comments, the regions are given a</p> <p>13 chance to review, and finally the allocation plan is</p> <p>14 submitted to global for approval. Is that a fair</p> <p>15 statement of how it works?</p> <p>16 A. This is what the document portions say.</p> <p>17 If it is, as I believe it to be, connected to sales</p> <p>18 and operating planning process, we would have</p> <p>19 submitted demand, it would have been reviewed and</p> <p>20 then we would have checked it before it was</p> <p>21 finalized. It's a monthly process, so it's very</p> <p>22 well documented.</p> <p>23 (Plaintiff's Exhibit 10: An e-mail string</p> <p>24 with the top from Eileen Watson dated 4/27/06,</p> <p>25 Bates GRNVL0000052306 marked for</p>	<p>1 Q. And Mr. Maurer in the e-mail is affirming</p> <p>2 an offer to sell atrazine from the St. Gabriel plant</p> <p>3 to Agan, correct?</p> <p>4 A. That's what the e-mail says, yes.</p> <p>5 Q. And he says he cannot go lower than a price</p> <p>6 of \$6 -- \$6.6 per gallon of four L atrazine</p> <p>7 formulation, correct?</p> <p>8 A. That's what the document says.</p> <p>9 Q. And also said that Syngenta's interested in</p> <p>10 producing terbutryn tech from Agan at the agreed</p> <p>11 price?</p> <p>12 MR. POPE: Purchasing.</p> <p>13 Q. Oh, purchasing, sorry.</p> <p>14 A. That's what the document says, yes.</p> <p>15 Q. Do you know where the terbutryn tech was to</p> <p>16 be used?</p> <p>17 A. I don't know.</p> <p>18 Q. Do Syngenta employees in Basel negotiate</p> <p>19 and purchase other active ingredients for Syngenta</p> <p>20 Crop Protection, Inc. from other companies?</p> <p>21 A. I don't know how the transactions are</p> <p>22 done. But if we were to source an active</p> <p>23 ingredient which was sold outside the U.S. as well</p> <p>24 as in the U.S., global would be involved. If we</p> <p>25 were to source a product specifically for the U.S.</p>

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<p>1 market, that would be in our accountability, 2 Syngenta Crop Protection, Inc., to source it. 3 Q. Where was this sale to occur from this 4 e-mail exchange? 5 MR. POPE: Objection to form of the 6 question. 7 A. I don't know where the sale was to occur. 8 It certainly speaks that the product would come 9 from St. Gabriel. 10 Q. And it says in USA, doesn't it? 11 A. St. -- 12 Q. In other words, they were to -- the product 13 was to be -- if you look in the first paragraph, 14 sir -- 15 A. I see it. 16 Q. -- of Mr. Maurer's comment, he says after 17 having discussed this again within Syngenta, we have 18 to inform you that our offers for supplying atrazine 19 to Agan for 2007 in USA cannot be lower than \$6.6 per 20 gallon 4 L. atrazine formulation bulk ex works St. 21 Gabriel USA. 22 What does that mean to you? 23 MR. POPE: Objection to the form of the 24 question. 25 A. Well, we have an agreement with Agan to</p>	<p>1 them, that our global atrazine management has 2 solidified a supply agreement between Syngenta and 3 Agan to supply 500,000 gallons of atrazine 4 L to a 4 gone for the U.S. market, correct? 5 A. That's what the e-mail says, yes. 6 Q. And this was product that was to be 7 manufactured by Syngenta Crop Protection, Inc. at the 8 St. Gabriel plant, correct? 9 A. I'm just reviewing the note again. 10 Previous note referenced that it would be sourced 11 from St. Gabriel. 12 Q. Okay. I don't see it in this one. Unless 13 I missed it. 14 Whose name is on the supply contract? 15 A. From Syngenta Crop Protection, Inc. 16 standpoint or from Makhteshim. 17 Q. Yes, from Syngenta's standpoint. 18 A. I don't know without looking at the 19 contract. 20 Q. Are you familiar with the Agan contract 21 that you have with them now ongoing? 22 A. I'm broadly aware of this particular 23 contract, yes. 24 Q. You don't who it's with, which Syngenta 25 entity?</p>
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<p>1 supply technical, which is reported under Syngenta 2 Crop Protection, Inc. So what this refers is it 3 would be sourced from the St. Gabriel plant and it 4 would be for sales in the U.S. 5 Q. Okay. 6 A. To Agan. And invoiced, you know, as part 7 of the Syngenta Crop Protection, Inc. business is 8 how it was done. 9 Q. Okay. If you'd look at Exhibit 11, please. 10 (Plaintiff's Exhibit 11: An e-mail string 11 with the top from John Abbott dated 11/9/05, 12 Bates SYN01190631 - 32 marked for 13 identification, as of this date.) 14 Q. This is Syngenta 90631, an e-mail dated 15 November 9, 2005. 16 A. Okay. Read the document. 17 Q. Okay. And this is an e-mail exchange first 18 from Frank Knight dated November 9th, 2005. 19 Do you see this? 20 A. I do see this. 21 Q. And it's to other people at Syngenta Crop 22 Protection, Inc., isn't it? 23 A. And Frank Knight is from Syngenta Crop 24 Protection as well -- Inc. 25 Q. He is informing the group, as he calls</p>	<p>1 A. Not without looking. 2 Q. Okay. Does it matter for purposes of 3 ongoing operations who signed it? 4 MR. POPE: Who you mean which company? 5 MR. TILLERY: Yes. 6 A. In terms of would we be obligated to 7 sell? 8 Q. Right. 9 A. We would be obligated to sell. But it 10 certainly matters as to how it was reported. 11 Q. If you'd look at Exhibit 12, please. 12 (Plaintiff's Exhibit 12: An e-mail string 13 with the top from Rush Ducote dated 12/7/04, 14 Bates GRNVL0000064978 marked for 15 identification, as of this date.) 16 Q. This is Greenville 64978. This is another 17 e-mail exchange. This one from Alan Camp 18 December 7th, 2004, and they Rush Ducote the same day 19 to various different people? 20 A. Okay. I've read the document. 21 Q. All right. This e-mail suggests that on 22 December 8, 2004 a company called BASF would be in 23 Basel to negotiate global contracts for dicamba and 24 atrazine, correct? 25 A. That's what the document says, yes.</p>

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<p>1 Q. Am I pronouncing that correct, dicamba?</p> <p>2 A. Yes, that's another active ingredient</p> <p>3 that --</p> <p>4 Q. Does Syngenta Crop Protection, Inc.</p> <p>5 manufacture dicamba?</p> <p>6 A. Not to my knowledge. We source it.</p> <p>7 Q. You source it from whom?</p> <p>8 A. We purchase it. I don't know if we still</p> <p>9 buy it from BASF, but this would imply that we did</p> <p>10 at one time.</p> <p>11 Q. Okay. And in these e-mails Syngenta Crop</p> <p>12 Protection, Inc. employees along with Mr. Maurer, the</p> <p>13 global product manager for triazines in Basel, are</p> <p>14 discussing how to tie the price of atrazine to raw</p> <p>15 material costs, aren't they?</p> <p>16 A. Yes, that's what the document says.</p> <p>17 Q. And Mr. Camp, who's been in touch with Mr.</p> <p>18 Maurer, is asking them to expedite their assessment</p> <p>19 of costs that could impact the contract terms with</p> <p>20 BASF, correct?</p> <p>21 MR. POPE: Objection to the form of the</p> <p>22 question.</p> <p>23 A. The e-mail stating that Alan would like</p> <p>24 some information provided to Willy related to</p> <p>25 correlation of cost of atrazine and the raw</p>	<p>1 and costs, chlorine and natural gas and electricity</p> <p>2 costs that they had their arms around in the U.S.;</p> <p>3 isn't that fair, sir?</p> <p>4 MR. POPE: Objection to form of the</p> <p>5 question.</p> <p>6 A. The e-mail states that they were seeking</p> <p>7 cost information for the U.S. production of</p> <p>8 atrazine. But it says the negotiation is for</p> <p>9 dicamba and atrazine global needs.</p> <p>10 Q. Right. But for at least for the part of</p> <p>11 the atrazine associated costs, they were looking to</p> <p>12 the U.S. people in connection with the production</p> <p>13 costs of atrazine?</p> <p>14 MR. POPE: Objection to the form of the</p> <p>15 question.</p> <p>16 Q. Correct?</p> <p>17 A. That's what the e-mail says.</p> <p>18 Q. What Syngenta entity's names are on those</p> <p>19 global supply contracts?</p> <p>20 MR. POPE: Which ones?</p> <p>21 Q. The ones referenced in Exhibit 12.</p> <p>22 MR. POPE: Objection to the form of the</p> <p>23 question.</p> <p>24 A. I don't know, first of all, if global</p> <p>25 contracts were secured. And if they were, I don't</p>
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<p>1 materials.</p> <p>2 Q. And this is so he can complete his</p> <p>3 negotiations with BASF, correct?</p> <p>4 MR. POPE: Objection to the form of the</p> <p>5 question.</p> <p>6 A. It says he needs good guesses for</p> <p>7 tomorrow morning's discussions is what the e-mail</p> <p>8 says.</p> <p>9 Q. And at the first line it says tomorrow</p> <p>10 morning BASF will be in Basel to negotiate global</p> <p>11 contracts for dicamba and atrazine, correct?</p> <p>12 A. That's what it says, yes.</p> <p>13 Q. And as far as you know, would that be for</p> <p>14 --given the fact that they're asking the Syngenta</p> <p>15 Crop Protection, Inc. people to respond, this would</p> <p>16 be for the production from the St. Gabriel plant,</p> <p>17 wouldn't it?</p> <p>18 MR. POPE: Objection to the form of the</p> <p>19 question.</p> <p>20 A. I don't know where all the atrazine would</p> <p>21 be sourced. If it was only for the U.S., very</p> <p>22 possibly. Dicamba would be sold in other countries</p> <p>23 around the world beside U.S.</p> <p>24 Q. But the -- but the atrazine, they call it</p> <p>25 triazine cost, would be associated with those numbers</p>	<p>1 know whose name is on them.</p> <p>2 Q. Okay. What about global contracts</p> <p>3 generally that involve atrazine, who signs those?</p> <p>4 A. I'm not aware of a specific global</p> <p>5 contract. So I don't know.</p> <p>6 Q. Who has the authority to enter into global</p> <p>7 supply contracts for atrazine at Syngenta?</p> <p>8 A. I would have to review the delegations of</p> <p>9 scope. But typically, as I said earlier, if it's</p> <p>10 for the U.S. market, we have full accountability of</p> <p>11 the license in. If it's for sales and use outside</p> <p>12 of the U.S. market, global would be involved. But</p> <p>13 I don't know who signs the contract.</p> <p>14 Q. My question, though, was who has authority</p> <p>15 to enter into global supply contracts for atrazine?</p> <p>16 A. It wouldn't be Syngenta Crop Protection,</p> <p>17 Inc. for a global contract if it was sold in other</p> <p>18 countries besides the U.S.</p> <p>19 Q. Even if Syngenta Crop Protection, Inc. was</p> <p>20 manufacturing the product?</p> <p>21 A. To my knowledge, it doesn't</p> <p>22 differentiate.</p> <p>23 Q. Okay.</p> <p>24 (Plaintiff's Exhibit 13: An e-mail</p> <p>25 document from Willy Maurer dated 11/4/05,</p>

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<p>1 Bates SYN02781966 marked for identification, 2 as of this date.) 3 Q. Would you take a look at Exhibit 13. This 4 is Syngenta 81966. It's an e-mail exchange from 5 Willy Maurer to a number of people on November 4, 6 2005. 7 A. Okay. I've read it. 8 Q. All right. Let's look at who this e-mail 9 was sent to. Mr. Hans Elmsheuser, Elmsheuser at 10 Basel. Do you know what his job was? 11 A. I believe he would have been the head of 12 purchasing at the time. 13 Q. Which company? 14 A. I don't know. 15 Q. In Basel, but -- 16 A. He was located in Basel. 17 Q. Okay. David Wolverton at Greensboro, do you 18 know what his job was? 19 A. He would have been in the purchasing 20 group in the U.S. team. 21 Q. And then there's Peter -- or Greg Peters, 22 and he was at Syngenta Crop Protection, Inc.? 23 A. Yes. 24 Q. And Frank Knight at Crop Protection, Inc.? 25 A. Syngenta.</p>	<p>1 the effect on the margins in the new BASF contract. 2 Q. It shows that the terms and conditions 3 included in the BASF atrazine contract are adequate 4 to allow Syngenta to make a margin? 5 A. And it does say that as well following 6 the sentence I -- 7 Q. Okay. And what is meant there as far as you 8 know by the word Syngenta? 9 A. I don't know. 10 Q. And Mr. Maurer recommends the signing of 11 the atrazine and dicamba contracts without delay? 12 A. And he recommends it to all of the people 13 on the list. So it's not clear to me who executed 14 the contract. 15 Q. You don't know who did it? 16 A. I don't. But there were -- 17 Q. You don't know -- 18 A. There were four people from the U.S. 19 Syngenta Crop Protection business and one from the 20 Basel operation. 21 Q. Do you know if the contract was signed? 22 A. I don't know definitively. I do know 23 that we do have a contract today with BASF. But I 24 don't know if it's this contract. 25 Q. Okay. Let's look at Exhibit 14.</p>
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<p>1 Q. Syngenta Crop Protection, Inc.? 2 A. Yes. 3 Q. And Kevin Fields Syngenta Crop Protection, 4 Inc.? 5 A. Yes. 6 Q. And then there's Hans Gut at Basel, do you 7 know what his job was? 8 A. I don't know him, no. 9 Q. And Marek Luczak in Basel, correct? 10 A. Yes. 11 Q. Do you know what his job was? 12 A. I believe he was in global product 13 management. But I don't know if he was there at 14 this time. 15 Q. And here is an e-mail exchange discussing 16 the fact that the global supply team had a meeting to 17 discuss profit margins on the BASF atrazine contract, 18 correct? 19 A. That's what the e-mail says. 20 Q. And the BASF deal will turn a profit for 21 Syngenta, correct? 22 A. Just let me just review the language for 23 your last question. 24 It actually referenced to your prior 25 question, that supply chain meeting to understand</p>	<p>1 (Plaintiff's Exhibit 14: An e-mail string 2 with the top from Scott Langkamp dated 3 3/22/06, Bates GRNVL0000065798 - 799 marked 4 for identification, as of this date.) 5 Q. This is Greenville 65798, 65799. 6 A. Okay. I've read the document. 7 Q. Does this appear to be an e-mail between 8 Mr. Maurer, global product manager triazines, and how 9 do you pronounce that? 10 A. Sulfonylureas. 11 THE COURT REPORTER: I'm sorry? 12 Q. Say it again. 13 A. Sulfonylureas, S-U-L-F-O-N-Y-L-U-R-E-A-S. 14 Sulfonylureas. 15 Q. Let's just say triazines and company. 16 A. Say SUs, that's what we call it. 17 Q. SUs. Got it. 18 Okay. Does this appear to be an e-mail 19 between Mr. Maurer, the global product manager, 20 triazines and SUs, in Basel and SCPI employees on the 21 sales of atrazine to MANA in the United States in 22 2007? 23 A. Yes, that's what the e-mail says. 24 Q. And MANA is a separate entity, correct? 25 A. From Syngenta Crop Protection, Inc., yes.</p>

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<p>1 Q. And the person in Basel, Mr. Maurer, is the</p> <p>2 point person for talks with MANA to meet their U.S.</p> <p>3 demand for atrazine, correct?</p> <p>4 A. That's what the e-mail implies, yes.</p> <p>5 Q. Mr. Maurer makes some proposals on what he</p> <p>6 thinks he should tell MANA about a possible deal in</p> <p>7 the U.S.?</p> <p>8 A. That's what the e-mail proposes, yes.</p> <p>9 Q. And a Syngenta Crop Protection employee</p> <p>10 responds and gives some of his thoughts on the</p> <p>11 potential arrangement as well, doesn't he, sir?</p> <p>12 A. The U.S. and Syngenta Crop Protection,</p> <p>13 Inc. employee says that we would not -- he would</p> <p>14 recommend that we not communicate the same price,</p> <p>15 but we should push for a price strategy that is</p> <p>16 aligned with where we want to go with our longer</p> <p>17 term agreement.</p> <p>18 Q. Do you know if a deal was reached?</p> <p>19 A. We have an agreement with Makhteshim,</p> <p>20 which is MANA. But I don't recall what the</p> <p>21 specific terms are.</p> <p>22 Q. Do you know whose name appeared on the</p> <p>23 contract to supply atrazine to MANA in the United</p> <p>24 States?</p> <p>25 A. I do not know.</p>	<p>1 Q. This is a Syngenta 68444 and 68445 Bates</p> <p>2 number document, e-mail exchanges occurring in</p> <p>3 May 2008?</p> <p>4 A. Okay. I've read the document.</p> <p>5 Q. The first e-mail, May 13th, 2008,</p> <p>6 references a TBA supply agreement. Do you understand</p> <p>7 what they're referencing in this e-mail exchange?</p> <p>8 MR. POPE: Objection to the form of the</p> <p>9 question.</p> <p>10 A. I'm not sure what TBA stands for. It</p> <p>11 could be terbuthylazine, but I don't know for sure.</p> <p>12 Q. And what's a supply agreement that they're</p> <p>13 referencing?</p> <p>14 MR. POPE: Objection to form of the</p> <p>15 question.</p> <p>16 A. That's what I was talking about.</p> <p>17 Q. I mean, what -- in general terms, what's a</p> <p>18 supply agreement that this e-mail exchange could</p> <p>19 reference?</p> <p>20 MR. POPE: Objection to the form of the</p> <p>21 question.</p> <p>22 A. The e-mail says that they would like to</p> <p>23 finalize a deal with Oxon and propazine and plan on</p> <p>24 using the current TBA agreement we have with that</p> <p>25 same company Oxon as a template. So propazine is</p>
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<p>1 Q. And as far as you know, this was atrazine</p> <p>2 to be manufactured in the United States at the St.</p> <p>3 Gabriel plant?</p> <p>4 A. Based on the earlier e-mail discussions,</p> <p>5 it did say St. Gabriel. I don't believe it said it</p> <p>6 in this particular e-mail.</p> <p>7 Q. What does Scott Langkamp do at Syngenta</p> <p>8 Crop Protection, Inc.?</p> <p>9 A. Scott Langkamp is currently a business</p> <p>10 unit head for the horticulture business and he</p> <p>11 reports to me. At that time he would have been a</p> <p>12 NAFTA brand management head.</p> <p>13 Q. Okay.</p> <p>14 A. So he would have been responsible for</p> <p>15 brand management for herbicides.</p> <p>16 MR. POPE: Talking about that time being</p> <p>17 2006?</p> <p>18 THE WITNESS: 2006, yes. When this e-mail</p> <p>19 was written.</p> <p>20 Q. Let me show you what's been marked as</p> <p>21 Exhibit Number 15 and ask you to look at that.</p> <p>22 (Plaintiff's Exhibit 15: An e-mail string</p> <p>23 with the top from Philippe Costrop dated</p> <p>24 5/19/08, Bates SYN02768444 - 445 marked for</p> <p>25 identification, as of this date.)</p>	<p>1 the subject matter. TBA is an agreement that</p> <p>2 appears to be in place already.</p> <p>3 Q. And this exchange is taking place between</p> <p>4 Kevin Gesse?</p> <p>5 A. Kevin Gesse.</p> <p>6 Q. Gesse.</p> <p>7 At Syngenta Crop Protection, Inc. with</p> <p>8 Philippe Costrop and Os -- Rene Oskar Kuehne, both of</p> <p>9 them are from Basel?</p> <p>10 A. That's what the e-mail says, yes.</p> <p>11 Q. And what are their jobs at Basel?</p> <p>12 A. I don't know either one.</p> <p>13 Q. And they copy a Mr. Peter Lutz in Basel.</p> <p>14 Do you know who he is?</p> <p>15 A. I do not.</p> <p>16 Q. And it appears they had a meeting to</p> <p>17 discuss this supply agreement.</p> <p>18 A. They being?</p> <p>19 Q. The people on this e-mail exchange.</p> <p>20 A. Yes.</p> <p>21 Q. And then the last e-mail is from Mr.</p> <p>22 Costrop to Kevin Gesse did you say?</p> <p>23 A. Gesse.</p> <p>24 Q. Gesse.</p> <p>25 And pointing out to be careful because</p>

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<p>1 there's an inconsistency that needs to be clarified 2 before the deal is done, correct? 3 A. That's what the e-mail says. 4 Q. Okay. 5 A. Related to the spec of the product. 6 Q. This is May 18th, 2008, correct? 7 A. May 19th. 8 Q. May 19th, 2008. 9 Is the exchange that we just referenced 10 representative of the type of cooperation that would 11 exist in terms of the creation of supply agreements 12 in the United States? 13 A. Again, if it's a supply agreement that 14 serves more than one geography of the world, it 15 would probably -- you know, is common dialogue. 16 Q. Did that supply more than one -- that one 17 anticipate supplying more than one market of the 18 world? 19 A. I don't know. 20 Q. Okay. I show you what's been marked as 21 number 16. 22 (Plaintiff's Exhibit 16: An e-mail string 23 with the top from Susan Morris dated 10/19/06, 24 Bates GRNVL0000042446 - 448 marked for 25 identification, as of this date.)</p>	<p>1 my accountability. The special projects that Basel 2 funding noted in here was what I referenced 3 earlier. So she would have been submitting an 4 expense budget for the NAFTA region is the way I 5 would interpret that, knowing how the process 6 works. 7 Q. She said this budget is considerably higher 8 than last year's, so we're not likely to get the 9 entire amount I've put in for. 10 Do you know what she's referring to when 11 she says we're not likely to get the entire amount 12 from home? 13 MR. POPE: Objection to the form of the 14 question. 15 A. I don't know. But as I way, the way I 16 would interpret it and knowing how this particular 17 process does work, she probably asked for more than 18 she spent the prior year and was concerned that she 19 wouldn't get approval for the additional funds 20 requested as part of the Syngenta Crop Protection, 21 Inc. business. 22 Q. And this is part of the NAFTA budget? 23 A. Yes. 24 Q. And then you submit the NAFTA budget to Mr. 25 Atkin?</p>
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<p>1 Q. Okay. This is a October 19, 2006 -- 2 actually, a -- starts off with a August 2006, then 3 September and then October exchange of e-mails Bates 4 numbered Greenville 42446 through 42448, if you'd 5 look at this, please. 6 A. Okay. I've read the document. 7 Q. Excuse me. I'm sorry. 8 In general, do you know the topic of this 9 discussion? 10 A. It's related to market research spin for 11 a noted product or products. 12 Q. It's a 2007 corn marketing research budget 13 that's being referenced here, isn't it? 14 A. That's what the title of the subject is, 15 yes. 16 Q. And this Syngenta Crop Protection employee 17 who started this e-mail exchange, Susan Morris? 18 A. That's correct. 19 Q. Says she has submitted the budget. 20 Do you see that? 21 A. I did see that, yes. 22 Q. Okay. Do you know to whom she would have 23 submitted the budget? 24 A. I don't know definitively in this case. 25 But the way budgets are submitted is only through</p>	<p>1 A. I do, yes. 2 Q. Okay. And do you see the e-mail from the 3 Syngenta employee in Basel responding to Mrs. Morris? 4 A. Which -- which portion? 5 Q. Bertrand Mametz. 6 A. He's responded twice on this. 7 Q. The second -- the first response? 8 A. Okay. Yes. 9 Q. Does it look like the Basel employee has 10 integrated the previous budget into a global budget 11 proposal? 12 MR. POPE: Objection to the form of the 13 question. 14 A. Yeah, this e-mail to me references a 15 request for supplemental funding from the global 16 market research funds. 17 Q. MLT references what? 18 A. Market -- marketing leadership team. 19 Q. And where are they? 20 A. There is one in NAFTA and there is a 21 global one as well. 22 Q. And with the one that she was talking about 23 was the one in Basel, wasn't she? 24 A. Well, the one he was talking about. 25 MR. POPE: Objection.</p>

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<p>1 Q. Or he was talking about. 2 A. He was talking about. Probably was. 3 MR. POPE: Objection to the form of the 4 question. 5 Q. Yeah, it says the -- actually, it says 6 global proposal 2007, and then it references the 7 market leadership team. 8 Can you tell from this that it's a -- it's 9 a Basel group that's responding? 10 MR. POPE: Objection to the form of the 11 question. 12 A. You can't tell definitively, but he 13 probably is referencing the global group. 14 Q. Okay. 15 A. And because this particular brand may 16 have had trademark use outside the U.S., that 17 appears to me the basis for which he's asking for 18 supplemental funding. 19 Q. And who was the head of the global market 20 leadership team? 21 A. At that time, I don't know. 22 Q. Who is it now? 23 A. Rob Neill, who is the head of marketing 24 globally. 25 Q. And where is he located?</p>	<p>1 What is that? 2 A. Well, the -- it's actually a logo that 3 was used at that time. And it would have been the 4 Global Product Supply Chain Management -- it would 5 have been the employees and the management. That's 6 what they refer to themselves as at that time. 7 Q. This is Syngenta 46557 through Syngenta 8 46607. 9 Did you attend this meeting? 10 A. I don't believe I did. 11 Q. Do you know where the meeting took place? 12 A. I don't. 13 Q. Do you know who the presentation was made 14 to? 15 A. I do not know who was present, no. 16 Q. Do you know if the recommendations that 17 were included within this document were implemented? 18 A. I don't know. I don't believe they all 19 were based on the evolution in the market I 20 described earlier. But I don't know what was 21 implemented. 22 Q. Were some of the objectives -- strike that. 23 Were some of the recommendations 24 implemented or any of the recommendations 25 implemented?</p>
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<p>1 A. He's located in Basel. 2 Q. And with which entity does he have 3 association? 4 A. I'm not sure. 5 Q. Okay. Let's look at Exhibit 17. 6 (Plaintiff's Exhibit 17: Syngenta 7 Triazine Supply Chain Redesign July 2004, 8 Bates SYN01146557 - 6607 marked for 9 identification, as of this date.) 10 MR. TILLERY: Let's take a break. 11 THE VIDEOGRAPHER: Going off the record. 12 The time is 10 -- or 4:06 and 41 seconds. 13 (A BRIEF RECESS WAS TAKEN.) 14 THE VIDEOGRAPHER: We are on the record at 15 4:24 and 48 seconds. 16 Please continue. 17 Q. You've had an opportunity to take a look at 18 Exhibit 17? 19 A. I have. 20 Q. Can you tell me what it is? 21 A. Well, the document is titled Triazine 22 Supply Chain Redesign In 2004 Recommendations And 23 Conclusions. 24 Q. And it says at the top of the first page, 25 Global Product Supply Chain Management, GPSCM.</p>	<p>1 A. Let me review them again, the document. 2 Q. Actually, why don't you go to page 14. 3 A. So this speaks to objectives and 4 deliverables. So could you restate your -- 5 Q. Yes. 6 The objectives are listed on the left side 7 of that page and then it indicates on the right side 8 at the top the team. 9 Do you recognize any of those people? 10 A. I do know some of those people, yes. 11 Q. And let's go down the list. 12 Where is Mr. Lidbetter from? 13 MR. POPE: Where was he in 204? 14 Q. Yes, excuse me, July 2004. 15 A. I'm not positive of where he's from. 16 Q. What about Mr. Camp? 17 A. He would have been a supply chain 18 representative in the U.S. business. 19 Q. And Syngenta Crop Protection, Inc.? 20 A. Syngenta Crop Protection, Inc., to my 21 knowledge? 22 Q. And then there's a Rush Ducote and Bob 23 Slaven. Where were they from? 24 A. I don't know Rush. Bob Slaven would have 25 been the St. Gabriel plant manager at the time.</p>

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<p>1 Q. Okay. And then a Jesef Amrein, product 2 manager, where was he from? 3 A. Don't know him. 4 Q. And then a NAFTA representative was Frank 5 Knight? 6 A. That's correct, Frank would have been a 7 Syngenta Crop Protection, Inc. employee in NAFTA 8 brand management. 9 Q. And then program manager was Steve Fulton. 10 Where was he from? 11 A. I don't know him. 12 Q. Finance was Rob -- Bob Wren and Phoebe 13 Broussard. Do you know where they're from? 14 A. I don't. 15 Q. And then purchasing was Gayle Talorydean? 16 A. And Gayle is a U.S.-based employee. 17 Q. And then T&P, what's that stand for? 18 A. Technology and projects. I know Larry. 19 Q. Mr. Gasper, Larry gasper? 20 Where is he from? 21 A. I think at that time he was located in 22 Greensboro. 23 Q. And then T&P Mr. Art Bayer, where is he 24 from? 25 A. I don't know him.</p>	<p>1 A. Definitely, no, I do not know. 2 Q. Does this document make recommendations on 3 a global triazine business as far as you can tell? 4 A. Well, the objectives in slide 14 that we 5 were just talking about certainly reference COGS 6 for the all the markets that were supplied. 7 Q. For the entire Syngenta group of companies? 8 A. Or wherever atrazine would be sold. 9 Q. Worldwide? 10 A. Right. 11 Q. Look at page 46571 where there's a 12 comparison of scenarios. Do you see those? 13 A. I do. 14 Q. One is to exit all triazines, including in 15 mixtures. And then a proposal down the line of 16 variations on that theme. 17 Do you see that? 18 A. I do see that. 19 Q. Okay. Have you ever been in a meeting 20 where anybody proposed getting out of the triazine 21 business? 22 A. I don't believe I attend the meetings, 23 but I certainly was aware that there was discussion 24 about options, that being one of them. 25 Q. If you go down the line on that same page,</p>
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<p>1 Q. And then SCT, what does that stand for? 2 A. I don't know. 3 Q. Okay. The objectives list on that same 4 page, Syngenta 46570 to identify scenarios to deliver 5 major accelerated step change improvement in the 6 performance of the triazine supply chain, especially 7 in terms of profit and COGS. 8 What's that stand for? 9 A. Cost of goods. 10 Q. To meet short and term long-term business 11 goals. And then it says to -- in order to regain 12 competitive edge, the target is to reduce triazine 13 supply chain cost of goods by 20 percent to maintain 14 as fully absorbed gross margin of 27 percent based on 15 current SYMPACT volumes by 2006, correct? 16 A. That's what it says in this document, 17 yes. 18 Q. All right. And do you know whether or not 19 this particular proposal there or at least the goal 20 or objective was achieved? 21 A. I don't know if it was achieved. 22 Certainly we would have pursued COGS savings, but I 23 don't know what was achieved. 24 Q. Do you know if any of these objectives were 25 realized?</p>	<p>1 number 15 of this exhibit. Do you see volume 2 stabilization, sourced from St. Gabriel, slows 3 decline in volumes. 4 Do you have any idea what would have been 5 referenced by that -- those words? 6 MR. POPE: Objection to the form of the 7 question. 8 A. I don't know definitively. The document 9 would imply that the volumes would be stable or 10 near flat as opposed to declining. 11 Q. Let's go to the next page, page 16. 12 If you look in the center column. These 13 are assumptions, at least, or things being 14 considered, one would be an aggressive price 15 reduction of atrazine tech by 13 percent. And excess 16 capacity would drop as generics drop out along price 17 increase after market share gain. 18 Do you see that? 19 A. I see a summary of three bullets under 20 the scenario titled volume stabilization. So all 21 of those would have been a description of the 22 volume stabilization scenario is the way I read it. 23 Q. Was there an aggressive price reduction of 24 atrazine tech in the United States following 25 July 2004?</p>

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<p>1 A. I don't recall a major change in price. 2 Certainly there were some price declines. But I'm 3 not sure what the change in pricing was. 4 Q. Now, go to the following page, which is 5 46573. 6 The recommendation or the basis for the 7 recommendation was that if we do not protect the 8 triazine business now, we will not have a business 9 left, correct? 10 A. That's what the second bullet of this 11 slide says, yes. 12 Q. The next bullet, the volume stabilization 13 strategy provides the most benefit to Syngenta. 14 Do you see that? 15 A. That's what it says based on MPV 16 calculations, identified risk and perceived 17 benefits. 18 Q. And let me ask you, what molecules are 19 included within the triazine business? 20 A. Well, it mentioned two of them, atrazine 21 and simazine. I'm not sure if we produced any 22 others. But there are other triazines sold in the 23 marketplace. So I'm not sure of the full 24 definition. But certainly atrazine and simazine 25 would be included.</p>	<p>1 But it's the same class of chemistry. 2 Q. Do you sell them for the same type of 3 activities and farming activities and farming 4 applications? 5 A. Both products are for control of weeds. 6 I don't know if the species are exact. There 7 probably are some differences. 8 Q. Look at Exhibit Number 18, if you would, 9 sir. 10 A. Um-hum. 11 (Plaintiff's Exhibit 18: An e-mail string 12 with the top from Scott Langkamp dated 13 6/13/07, Bates SYN03446466 marked for 14 identification, as of this date.) 15 A. Okay. I've read the document. 16 Q. Okay. The first e-mail is from Marek 17 Luczak at Basel? 18 A. That's correct. 19 Q. Where it does Marek Luczak work? 20 Which entity in Basel? 21 A. I'm not sure. 22 Q. The e-mail that was sent out by Marek 23 Luczak to various different people around the world 24 and at Syngenta Crop Protection, Inc. references a 25 development project herbicides for 2008, doesn't it?</p>
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<p>1 Q. Do you know the names of any other 2 triazines sold in the marketplace? 3 A. In the U.S., no. But we talked about 4 terbuthylazine earlier, which is another triazine. 5 Propazine was referenced in one of the documents 6 you shared. 7 Q. Are either of them sold in America? 8 A. Not to my knowledge. 9 Q. The only triazine sold in America are 10 atrazine and simazine? 11 A. Those are the only two I recall. And 12 certainly those would be the two material ones for 13 certain. 14 Q. The two others, propazine and help me again 15 with the -- 16 A. Terbuthylazine. 17 Q. Yes. Those two, where are they sold? 18 A. I'm not sure where propazine is sold. 19 Terbuthylazine is sold in Europe today, some 20 countries in Europe. 21 Q. Are they marketing substitutes for 22 atrazine? 23 A. Well, it is a triazine, so similar 24 chemistries. So it does something similar to 25 atrazine, if that's what you mean by substitute.</p>	<p>1 A. For new ideas, yes, that's what the 2 document says. 3 Q. And it mentions that ideas submitted have 4 been consolidated, some have been rejected. Both 5 categories have been seen on a separate sheet. 6 Apparently the idea submissions were attached as an 7 exhibit or attachment to the e-mail, correct? I don't 8 have the ideas -- 9 A. Right. It goes on to say that they were 10 roughly scored, and we have a process for 11 prioritizing project value. 12 Q. Right. 13 And this was sent to these people, and 14 there's a note here in the second paragraph, before 15 we consider this list as a final selection of 16 candidate ideas, we have to make sure that the global 17 and regional views are aligned. 18 Do you see that? 19 A. I do see that, yes. 20 Q. Is there an effort throughout the Syngenta 21 group of companies to align global and regional views 22 on development projects? 23 A. Well, there is a process which I 24 referenced where there is a criteria that 25 prioritizes projects. And all the regions will</p>

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<p>1 submit projects that can be for resource. So where 2 you can match priorities, that's the best outcome. 3 But it's inevitable that some of the priorities 4 will be different and, therefore, prioritization is 5 made. 6 Q. And where do the resources come from that 7 are referenced here? 8 A. It probably depends on what portion of 9 the project you're talking about and what stage 10 it's in. But clearly the field testing resources 11 are Syngenta Crop Protection, Inc. But some of the 12 other studies for regulatory may or may not be. 13 Q. And where would they -- resources be from? 14 A. I don't know which entity. But it may be 15 outside of Syngenta Crop Protection, Inc. 16 Q. If it's outside Syngenta Crop Protection, 17 Inc., which entity would supply the resources? 18 A. I don't know. Some of the studies are 19 used with different regulatory bodies, same 20 studies. 21 Q. What are the product leadership teams 22 referenced here? 23 A. Well, this was the -- I probably called 24 it product line teams before. So this would be the 25 same team --</p>	<p>1 would attend. 2 Q. Do you know who the other people from the 3 marketing team are who would attend? 4 A. Not a full list, no. 5 Q. What does scoping mean? 6 A. The way I would interpret it in this note 7 is scoping is assessing available resource versus 8 demand. There are multiple types of resource that 9 have to be utilized to completely develop the 10 product. 11 Q. Would you look at the last line of the 12 exhibit where it says 2008 S-Y-P-O-S. 13 What's S-Y-P-O-S mean? 14 A. SYPOS, that's the system that all of the 15 projects are reported into. So it would be the 16 corollary to SYMPACT for development projects. So 17 we would prioritize our projects, populate them, 18 inset SYPOS and then they could be viewed by the 19 global team in SYPOS. 20 Q. And SYPOS is available to all of the 21 Syngenta entities worldwide? 22 A. I don't know if all of them. But 23 certainly the entities in the regions. 24 Q. Okay. 25 (Plaintiff's Exhibit 19: An e-mail string</p>
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<p>1 Q. Product line teams? 2 A. Yeah, I'm not sure what the right acronym 3 translation is. But that was the teams I was 4 probably calling product line teams before. And 5 they basically look at the project list from all 6 the regions of the world and try to facilitate that 7 matching process, which is described in the note. 8 Not just on development projects, but sometimes on 9 other topics. 10 Q. And the e-mail suggests that MLT will make 11 final decision on the candidate ideas. That's the 12 marketing leadership team, correct? 13 A. And there is a representative from NAFTA 14 on that team. But it's chaired by Rob Neill, as I 15 said previously. 16 Q. In Basel? 17 A. Rob is based in Basel. Travis Dickinson 18 is based in Syngenta Crop Protection, Inc. and 19 travels normally to Basel, unless the meeting's in 20 Greensboro. 21 Q. Who else is on the marketing leadership 22 team? 23 A. There would be equivalence to Travis 24 Dickinson in the other three regions. And there 25 would be other people from the marketing team that</p>	<p>1 with the top from Jasper Barnes dated 6/10/09, 2 Bates SYN03146593 - 6594 marked for 3 identification, as of this date.) 4 Q. Exhibit 8 -- I'm sorry, Exhibit 19 is a 5 Syngenta 46593 through 46594. It's an e-mail 6 exchange and one e-mail. 7 A. Okay. I've read the document. 8 Q. The list of addressees, this is from -- 9 this is an e-mail from Jasper Barnes at Basel, 10 correct? 11 A. That's correct. 12 Q. Which entity is he associated with, which 13 of the Syngenta companies is he associated with? 14 A. I'm not sure. He leads all the 15 development project planning activities. 16 Q. Do you know what his job is? 17 A. Well, that's -- I don't know what the 18 title is, but that's what he does, development 19 project planning. 20 Q. Okay. 21 A. He leads that. 22 Q. And does he have a group of employees from 23 different subsidiaries from all over the world that 24 are part of that development committee? 25 A. I don't know.</p>

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<p>1 Q. What is the portfolio investment cycle?</p> <p>2 A. Where have you read that?</p> <p>3 Q. That's the first line of the e-mail.</p> <p>4 A. I don't know that term. But it's -- I</p> <p>5 think it's connected to the process I described</p> <p>6 with SYPOS. I think SYPOS may have been replaced</p> <p>7 by a newer system in this time frame.</p> <p>8 Q. Do you know what the global product</p> <p>9 portfolio team is?</p> <p>10 A. No, I don't know its makeup. But I'm</p> <p>11 aware that there is one.</p> <p>12 Q. Do you know where they sit or where they</p> <p>13 work?</p> <p>14 A. I don't know the representation. But it</p> <p>15 very possibly could have a similar makeup in the</p> <p>16 MLT, but just for development. Because Marian</p> <p>17 Stypa would travel over for meetings to talk about</p> <p>18 portfolio.</p> <p>19 Q. Traveling over to Basel?</p> <p>20 A. To Basel.</p> <p>21 Q. What is smart choice that's referenced in</p> <p>22 the e-mail?</p> <p>23 A. I'm afraid I'm outdated on that one. It</p> <p>24 may be the new system. I know that they were</p> <p>25 working on the -- a system to upgrade SYPOS. And</p>	<p>1 A. For development.</p> <p>2 Q. What does that mean, development?</p> <p>3 A. Well, it would mean all new products that</p> <p>4 we would do testing on to prove efficacy,</p> <p>5 registerability. It's the core of how we bring a</p> <p>6 product to market after it leaves research.</p> <p>7 (Plaintiff's Exhibit 20: An e-mail string</p> <p>8 with the top from Barbara Descenzo dated</p> <p>9 11/21/07, Bates GRNVL0000065140 - 142 marked</p> <p>10 for identification, as of this date.)</p> <p>11 Q. Okay. Exhibit 20 is Greenville 65140</p> <p>12 through 65142. Series of e-mail exchanges starting</p> <p>13 November 8, 2007 going through November 21, 2007. If</p> <p>14 you'd look at that, please.</p> <p>15 A. Okay. I've read the document.</p> <p>16 Q. What is global sales and operations</p> <p>17 planning?</p> <p>18 A. This is the team that I referenced</p> <p>19 earlier. So all of the NAFTA sales and operation</p> <p>20 plans would be submitted. And then they would be</p> <p>21 reviewed and discussed at the global SOP. And</p> <p>22 where there are conflicts in supply versus demand</p> <p>23 or allocation requirements, those discussions would</p> <p>24 occur there at the global SOP.</p> <p>25 Q. Were you ever part of that group?</p>
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<p>1 that's possibly what it is, but I don't know.</p> <p>2 Q. What is the crop protection global</p> <p>3 portfolio steering committee?</p> <p>4 A. I don't know the makeup of that team.</p> <p>5 Q. You're not on it?</p> <p>6 A. I'm not on it. But that would be the</p> <p>7 team that I would expect Marian Stypa to be on.</p> <p>8 Q. Why would Marian Stypa be on that team?</p> <p>9 A. Because Jasper Barnes is focused on</p> <p>10 development planning projects, and Marian Stypa is</p> <p>11 the lead for NAFTA development. So he would lead</p> <p>12 our process. Dirk Drost is one of the key folks</p> <p>13 that supports that process as well from the NAFTA</p> <p>14 team.</p> <p>15 Q. Who does Marian Stypa functionally report</p> <p>16 to?</p> <p>17 A. His direct line is to me and Gerardo</p> <p>18 Ramos, who is the global head of development.</p> <p>19 Would be the person that has global responsibility.</p> <p>20 Q. And where is Mr. Ramos?</p> <p>21 A. I believe he's located in Basel.</p> <p>22 Q. And do you know what his job is in Basel?</p> <p>23 A. I don't know the title. But it's</p> <p>24 effectively the global development leadership.</p> <p>25 Q. For what topic, development?</p>	<p>1 A. I am a member of the global SOP today.</p> <p>2 Q. And you became a member when you became</p> <p>3 president of Syngenta Crop Protection, Inc.?</p> <p>4 A. That's correct.</p> <p>5 Q. Who leads the global sales and operations</p> <p>6 planning group?</p> <p>7 A. The chair does move amongst two or three</p> <p>8 people, John Atkin being one, Mark Peacock being</p> <p>9 one and Mark Patrick, who is the finance person who</p> <p>10 reports to John. I'm not sure who is the formal</p> <p>11 chair.</p> <p>12 Q. Is it based in Basel?</p> <p>13 A. It typically is held via teleconference.</p> <p>14 But the people in Basel would be in Basel and I</p> <p>15 would be in my office or somewhere in the U.S.</p> <p>16 Q. How often does it meet?</p> <p>17 A. Monthly.</p> <p>18 Q. What kind of things does this group do?</p> <p>19 A. It is a supply and demand discussion. So</p> <p>20 you look at inventory. You look at phasing of</p> <p>21 supply. You look at active ingredient needs mostly</p> <p>22 at that level, not formulation. The formulation</p> <p>23 level is done at the NAFTA SOP. So you're mostly</p> <p>24 trying to ensure that you could deliver the</p> <p>25 customer forecast and adapt where necessary and</p>

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<p>1 ensure you're efficient with your approach.</p> <p>2 Q. This e-mail that you're holding is from</p> <p>3 global sales and operation planning manager in Basel</p> <p>4 to a number of Syngenta employees from around the</p> <p>5 world, correct?</p> <p>6 A. The first --</p> <p>7 Q. The first one.</p> <p>8 A. The first one is, yes.</p> <p>9 Q. And it contains a draft agenda for the</p> <p>10 November meeting?</p> <p>11 A. That's actually the pre GSOP.</p> <p>12 Q. What is that?</p> <p>13 A. Pre GSOP is a preamble meeting</p> <p>14 effectively for the GSOP, which I described. And</p> <p>15 the people that would typically be involved in that</p> <p>16 would be the marketing heads that are accountable</p> <p>17 for populating the forecasts. So Travis Dickinson</p> <p>18 would be the NAFTA representative. As well as some</p> <p>19 supply chain personnel from NAFTA.</p> <p>20 Q. Would they meet on a monthly basis as well?</p> <p>21 A. They would.</p> <p>22 Q. One of the things that happens in the pre</p> <p>23 GSOP review is a forecast of sales by regions and by</p> <p>24 different active ingredients?</p> <p>25 A. In the global pre GSOP, that's correct.</p>	<p>1 reading.</p> <p>2 MR. TILLERY: Yes, he did.</p> <p>3 MR. POPE: You won't get a more</p> <p>4 cooperative witness than that.</p> <p>5 MR. TILLERY: Can we go off the record</p> <p>6 for just a second, please.</p> <p>7 THE VIDEOGRAPHER: Going off the record.</p> <p>8 The time is 5:07 and 51 seconds.</p> <p>9 (A DISCUSSION WAS HELD OFF THE RECORD.)</p> <p>10 THE VIDEOGRAPHER: Going on the record.</p> <p>11 The time is 5:09:54.</p> <p>12 Please continue.</p> <p>13 Q. What is the development committee?</p> <p>14 A. It's the committee that broadly is</p> <p>15 accountable for approving progression of our</p> <p>16 development portfolio from one stage to the next.</p> <p>17 I'm sure they have a large project review</p> <p>18 accountability as well related to the objectives.</p> <p>19 But that's predominantly what they do.</p> <p>20 Q. Do you know who serves on the development</p> <p>21 committee?</p> <p>22 MR. POPE: You mean now?</p> <p>23 MR. TILLERY: Yeah.</p> <p>24 A. I don't know all the members. I do get</p> <p>25 the committee reports. I don't review all the</p>
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<p>1 Q. Okay.</p> <p>2 (Plaintiff's Exhibit 21: Syngenta Minutes</p> <p>3 dated 7/5/03, Bates SYN00756454 - 6477 marked</p> <p>4 for identification, as of this date.)</p> <p>5 MR. POPE: We're now at 21?</p> <p>6 Q. Exhibit 21 is Syngenta 756454 through</p> <p>7 Syngenta 756477.</p> <p>8 MR. TILLERY: Sir, he's going to go off to</p> <p>9 change the tape. So we have to take a break</p> <p>10 right now. You can keep reading if you want.</p> <p>11 THE VIDEOGRAPHER: This marks the end of</p> <p>12 videotape number three in the deposition of</p> <p>13 Vern Hawkins. Going off the record, the time is</p> <p>14 5:01 and 14 seconds.</p> <p>15 (A BRIEF RECESS WAS TAKEN.)</p> <p>16 THE VIDEOGRAPHER: This marks the</p> <p>17 beginning of videotape number four, volume one</p> <p>18 in the deposition of Vern Hawkins. The time is</p> <p>19 5:05 and 49 seconds.</p> <p>20 Please continue.</p> <p>21 Q. What is the development committee, sir?</p> <p>22 A. I'm just about done with the document.</p> <p>23 Q. Oh, excuse me.</p> <p>24 MR. POPE: The record will reflect he</p> <p>25 stayed here during the break and continued</p>	<p>1 reports. But I do receive them.</p> <p>2 Q. When did you start receiving the reports?</p> <p>3 A. I don't recall exactly. But I think I've</p> <p>4 been getting reports for a few years.</p> <p>5 Q. Okay. Is the development committee</p> <p>6 responsible for retiring a product as well as</p> <p>7 approving a new product?</p> <p>8 A. Well, if it is related to -- depends is</p> <p>9 the answer. Is if a product -- formulated product,</p> <p>10 for example, you know, isn't meeting sufficient</p> <p>11 sales, then my business would make that decision.</p> <p>12 Syngenta Crop Protection could stop selling an SKU.</p> <p>13 If you were going to exit an active ingredient</p> <p>14 which would have implications beyond the U.S., then</p> <p>15 certainly you would have a conversation, if not the</p> <p>16 development committee, some other committee that</p> <p>17 could speak to the impact beyond the U.S.</p> <p>18 Q. You think you could go back to your office</p> <p>19 tomorrow morning and unilaterally decide to stop</p> <p>20 selling atrazine in the United States on your own?</p> <p>21 A. Not atrazine.</p> <p>22 Q. You'd have to pass that onto Mr. Atkin,</p> <p>23 wouldn't you?</p> <p>24 A. Well, if it was a --</p> <p>25 Q. But just answer my question.</p>

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<p>1 A. If it was a decision unilateral of law or</p> <p>2 say it was not a registration action, then yes, I</p> <p>3 would be of a level of sales that I would have to</p> <p>4 have a conversation with John Atkin.</p> <p>5 Q. And the level of sales meaning the total</p> <p>6 amount per year that's being sold?</p> <p>7 A. That's correct.</p> <p>8 Q. And that's because you're aware of what</p> <p>9 that authority comes from, aren't you?</p> <p>10 A. What do you mean by that?</p> <p>11 Q. Well, what is the regulation that causes</p> <p>12 you to have to do that?</p> <p>13 A. Well, as I mentioned earlier, there is a</p> <p>14 delegation of authority around decision rights of a</p> <p>15 certain level, and once the budget is set, we can</p> <p>16 operate within the full accountability of the</p> <p>17 business plan. But if there's a variance above a</p> <p>18 level in the delegations, then a conversation with</p> <p>19 John Atkin is my accountability.</p> <p>20 Q. And when discontinuation of a product would</p> <p>21 cause financial impact exceeding certain levels, you</p> <p>22 would also have to do the same and call Mr. Atkin,</p> <p>23 wouldn't you?</p> <p>24 A. I would have a conversation with John</p> <p>25 Atkin, yes.</p>	<p>1 you want.</p> <p>2 A. Page 19 in my document is reference to</p> <p>3 discussion and conclusions of a product called</p> <p>4 Bion.</p> <p>5 Q. I'm sorry, it's the wrong -- that's</p> <p>6 referenced in the index -- I'm sorry, it's -- it is</p> <p>7 page 19. So it would be -- why don't look at</p> <p>8 Syngenta 756473.</p> <p>9 A. Okay. The actions page?</p> <p>10 Q. Yes.</p> <p>11 A. Okay.</p> <p>12 Q. Do you see at the bottom, sir?</p> <p>13 A. Okay. It does assign an action that a</p> <p>14 comparison of atrazine and terbuthylazine with</p> <p>15 respect to the position on debating endocrine</p> <p>16 disruption needs to be completed. It's assigned to</p> <p>17 H. Swaine and J. Doe.</p> <p>18 Q. And who are those people?</p> <p>19 A. Harry Swaine, I'm not sure what his</p> <p>20 responsibilities were. But he was not a U.S.</p> <p>21 employee. And I believe John Doe was. He was --</p> <p>22 well, John Doe I think had had multiple roles since</p> <p>23 I've known him. So I don't know where he was at</p> <p>24 this time.</p> <p>25 Q. Might he have been at Jealott's Hill?</p>
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<p>1 Q. Yes.</p> <p>2 This particular document references a</p> <p>3 meeting in Basel, doesn't it?</p> <p>4 A. It does, yes.</p> <p>5 Q. And is that where the development committee</p> <p>6 meets?</p> <p>7 A. Typically they do meet in Basel, yes.</p> <p>8 Q. And the development committee was</p> <p>9 discussing global triazine strategy in this meeting,</p> <p>10 weren't they?</p> <p>11 A. That's what this document says, triazine</p> <p>12 lifecycle management is what's noted here.</p> <p>13 Q. And that was May 7th, 2003, wasn't it?</p> <p>14 A. The development committee was, yes.</p> <p>15 Q. Had there been a particular incident in the</p> <p>16 world that had provoked this meeting?</p> <p>17 A. I don't know.</p> <p>18 Q. Okay. This particular development</p> <p>19 committee resulted in the assignment of tasks across</p> <p>20 company lines, didn't it?</p> <p>21 MR. POPE: Objection to the form of the</p> <p>22 question.</p> <p>23 A. You're speaking in relationship to</p> <p>24 atrazine right now?</p> <p>25 Q. You can look at page 19 under actions if</p>	<p>1 A. It's possible he was.</p> <p>2 Q. Okay.</p> <p>3 (Plaintiff's Exhibit 22: Syngenta</p> <p>4 document entitled Syngenta Production</p> <p>5 Strategies in the U.S. and Worldwide, Bates</p> <p>6 SYN01790993 - 994 marked for identification,</p> <p>7 as of this date.)</p> <p>8 Q. Number 22, if you could tell me what this</p> <p>9 document is. This is Syngenta 1790993 and 099 --</p> <p>10 0994.</p> <p>11 A. What's the date of this document; do you</p> <p>12 know?</p> <p>13 Q. This is how it came to us. I'm sorry. Mr.</p> <p>14 Pope might be able to help you on that.</p> <p>15 MR. POPE: Why do you say that, sir?</p> <p>16 Knowing full well that the indication at the</p> <p>17 bottom means I have no idea.</p> <p>18 If you don't know what it is, just tell</p> <p>19 him.</p> <p>20 A. I recognize the subject. Let me read it.</p> <p>21 Just looking for a time frame.</p> <p>22 Okay. I've reviewed the document.</p> <p>23 Q. What is it?</p> <p>24 A. It's a communication from employee of</p> <p>25 Syngenta Crop Protection. This person's no longer</p>

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<p>1 with the company. But he was in corporate 2 communications. 3 Q. Where was he, which company? 4 You're talking about Michael Vanausdein? 5 A. Right. I believe -- I believe he was a 6 Syngenta Crop Protection, Inc. employee, because he 7 worked in the Greensboro office. 8 Q. And what was his job? 9 A. Well, it says he was manager of corporate 10 communications. 11 Q. Do you know Michael Vanausdein? 12 A. I did when he was with us as an employee. 13 He's no -- 14 Q. When did he leave? 15 A. I don't recall. That's why I was asking 16 what the date of the document was. But I would say 17 it was probably a few years ago, estimate, two or 18 three. 19 Q. And the purpose of this was to send to 20 customers? 21 A. I don't know if this was a -- I don't 22 know. I don't now who the target audience was for 23 this document. 24 Q. If you look under frequently asked 25 questions on the first page, the question, should</p>	<p>1 wanted the field team to be able to respond if they 2 got a question. 3 Q. Yes. 4 A. But it wasn't necessarily a target 5 message that was intended for all customers to 6 receive. 7 Q. Okay. But if the field team got this 8 information and this was the answer they were to use 9 in responding to customer's claims, wouldn't it 10 ultimately go to the customers? 11 A. If that's -- if it was an internal 12 document, that's probably right. 13 Q. And if it wasn't an internal document, it 14 likely would have gone to customers or farmers, 15 correct? 16 A. It would have gone to the press. So it 17 would have gone to whoever was searching it. We 18 wouldn't -- we would not have sent it directly to 19 farmers. 20 Q. Does Syngenta Crop Protection, Inc. 21 represent itself to its customers to be a global 22 company? 23 A. Certainly our customers know that we are 24 headquartered in Switzerland. If that's what you 25 mean by your question.</p>
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<p>1 U.S. customers or farmers be concerned about our 2 ability to supply needed contracts? 3 A. I don't know if this was an internal -- 4 what I meant, I don't know if this was an internal 5 document to give our field course some background 6 or if it was an external document. 7 Q. I see. 8 So you think Mr. Vanausdein could have 9 prepared it for your own internal use? 10 A. It's possible. 11 Q. And to whom would this have been provided 12 or shared if it was for internal use only? 13 A. Well, if it was a Q&A document to brief 14 our sales force, it would have been the Syngenta 15 Crop Protection, Inc. sales team. Potentially the 16 marketing team as well. 17 Q. Where is Mr. Van -- no. When did Mr. 18 Vanausdein leave the company? 19 A. I said I don't recall. 20 Q. Was the ultimate target audience the 21 customers, whether or not this was shared with 22 customers, was the ultimate target audience for this 23 information the customers? 24 MR. POPE: Objection to form. 25 A. I don't know. It's possible that we</p>	<p>1 Q. Okay. 2 A. Some customers know. 3 Q. In fact, this particular document uses the 4 Syngenta name and Syngenta trademark, doesn't it, on 5 the front page? 6 A. It does. This document talking about the 7 logo, it says just Syngenta. 8 Q. Yes. 9 Does Syngenta Crop Protection, Inc. tell 10 its customers that it makes decisions on -- strike 11 that. 12 Does Syngenta Crop Protection, Inc. tell 13 its customers that it makes decisions based upon 14 global strategy? 15 A. That wouldn't be a common conversation 16 that we would have with a customer. We typically 17 would talk about our go to market strategy, what 18 products are going to be available for them to sell 19 to their customers. 20 Q. But it could say that you're saying? 21 MR. POPE: Objection to the form of the 22 question. 23 Q. But it might say that? 24 A. What might say it? 25 Q. That it makes decisions based upon a global</p>

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<p>1 strategy, just like this document states?</p> <p>2 MR. POPE: Objection to the form of the</p> <p>3 question. It's incomprehensible where you're</p> <p>4 going with this, Steve. Can you just explain</p> <p>5 what the question is?</p> <p>6 Q. Are you telling me that this -- that any</p> <p>7 statement in here is in error?</p> <p>8 A. No. What I'm saying is it wouldn't be</p> <p>9 the first thing we would talk to a customer about.</p> <p>10 It's possible that we would reference a global R&D</p> <p>11 strategy, for example.</p> <p>12 Q. Yes.</p> <p>13 Okay. And you would tell customers that</p> <p>14 Syngenta has manufacturing facilities all over the</p> <p>15 world, too, wouldn't you?</p> <p>16 A. We would.</p> <p>17 Q. All right.</p> <p>18 (Plaintiff's Exhibit 23: An e-mail string</p> <p>19 with the top from Frank Knight dated 12/7/06,</p> <p>20 Bates SYN02995494 marked for identification,</p> <p>21 as of this date.)</p> <p>22 A. Okay. I've read the document.</p> <p>23 Q. Does Syngenta Crop Protection, Inc. update</p> <p>24 the global product leadership teams on litigation or</p> <p>25 other actions involving atrazine which could impact</p>	<p>1 Dickinson --</p> <p>2 A. Travis is the head of marketing at</p> <p>3 Syngenta Crop Protection, Inc. employee.</p> <p>4 Q. Okay. And the e-mail was sent to Rolf</p> <p>5 Furter in Basel. What was his job?</p> <p>6 A. I believe Rolf was the head of global</p> <p>7 development at that time.</p> <p>8 Q. And then Travis Dickinson responded about</p> <p>9 ten minutes, 14 minutes later saying that an issue</p> <p>10 for PLT, wanted to get this to you in case it gets to</p> <p>11 Willy first, Travis.</p> <p>12 What's an -- what's a PLT?</p> <p>13 A. It's product line team or product</p> <p>14 leadership teams that we've previously talked</p> <p>15 about.</p> <p>16 Q. Okay. So this topic or this sort of topic</p> <p>17 as evidenced in the content of the first e-mail is</p> <p>18 the thing that would go straight to Basel for</p> <p>19 consideration?</p> <p>20 MR. POPE: Objection to the form of the</p> <p>21 question.</p> <p>22 Q. Correct?</p> <p>23 A. Well, this was a -- a potential threat.</p> <p>24 And the way I read it is it was highlighted that it</p> <p>25 was of a materiality that we would inform PLT,</p>
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<p>1 its usage?</p> <p>2 A. The product leadership team specifically</p> <p>3 is your question?</p> <p>4 Q. Yes.</p> <p>5 A. Typically any material business issue</p> <p>6 that would effect the business performance, it</p> <p>7 could be a topic of discussion at a PLT.</p> <p>8 Q. This e-mail from Gary Dickson is dated</p> <p>9 December 6, 2006. And this is Syngenta 2995494. And</p> <p>10 he sent this e-mail to the president of Syngenta Crop</p> <p>11 Protection, Inc., right?</p> <p>12 A. He copied it to --</p> <p>13 Q. Yeah, he copied it to --</p> <p>14 A. Valdemar Fischer.</p> <p>15 Q. To Mr. John Atkin in Basel, to Sarah Hull.</p> <p>16 And where is she?</p> <p>17 A. At that time I believe she was in our</p> <p>18 Washington office. So she was the head of</p> <p>19 corporate affairs.</p> <p>20 Q. With which company?</p> <p>21 A. I don't know which company she was with.</p> <p>22 But I referenced the Jessica Adelman situation.</p> <p>23 She would have had a similar role to Jessica at</p> <p>24 that time.</p> <p>25 Q. And then there's a reference to Travis</p>	<p>1 which has global personnel also on it.</p> <p>2 Q. Okay. And in the top one Frank Knight</p> <p>3 responds to Dan Campbell saying, as Travis suggests</p> <p>4 below, we will need to discuss potential strategies</p> <p>5 developed under the scope of the triazine PLT. We</p> <p>6 may want to initiate this at next meeting in January.</p> <p>7 Okay?</p> <p>8 A. That's what the document says.</p> <p>9 Q. All right. And which triazine PLT?</p> <p>10 A. Well, the triazine PLT likely has</p> <p>11 responsibility for all the triazine active</p> <p>12 ingredients.</p> <p>13 Q. Worldwide?</p> <p>14 A. All the product leadership teams have a</p> <p>15 global discussions. That's why the regions are</p> <p>16 represented.</p> <p>17 Q. Okay. And the reference to developing</p> <p>18 response strategies is that the triazine product</p> <p>19 leadership team to events effecting atrazine in the</p> <p>20 United States, correct?</p> <p>21 A. Rephrase that, if you would, please.</p> <p>22 Q. Yes.</p> <p>23 I mean, the point of this is to -- strike</p> <p>24 that.</p> <p>25 The entire discussion is concerned about</p>

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<p>1 events occurring in Minnesota and there's a fleeting 2 reference to a Holiday Shores case in the top e-mail. 3 But the entire reference is U.S. based, correct? 4 A. Well, the reference of the issue -- 5 Q. Yes, the threat. 6 A. -- that created the threat, yeah, was 7 U.S. based, yes. 8 Q. Right. 9 A. Now, yeah, the sort of the connector to 10 that is, you know, it's understood that if you had 11 a registration lost in the U.S., it might effect 12 other areas. But this was a specific U.S. issue. 13 Q. Can I ask you, sir, who are the top 14 management people at Syngenta Crop Protection, Inc. 15 that you would consult before you would make a key 16 decision? 17 A. It would depend on the topic or area. 18 But I have an operating committee for Syngenta Crop 19 Protection, Inc. 20 Q. An operating committee? 21 A. Syngenta operating committee. And it 22 includes Corey Huck, who's my U.S. commercial 23 operations head; it includes Marian Stypa, who's 24 the head of development product safety; includes 25 Jason Fogden, who's my head of finance; and it</p>	<p>1 MR. POPE: I have no questions. Thank 2 you very much. 3 I will reserve signature. And this 4 deposition is deemed confidential under our 5 protective order. 6 THE VIDEOGRAPHER: Stand by. 7 This is the end of videotape number four, 8 volume one in the deposition of Vern Hawkins. 9 The original videotapes will be retained by 10 WestLaw Deposition Services. Going off the 11 record, the time on the monitor is 5:35 and 12 seven seconds. 13 (TIME NOTED: 5:35 p.m.) 14 (SIGNATURE RESERVED.) 15 16 17 18 19 20 21 22 23 24 25</p>
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<p>1 includes Travis Dickinson, who's my head of 2 marketing. 3 Q. You wouldn't necessarily talk to all of 4 them about each decision, but depending on the area 5 of subject matter, you would likely talk to one of 6 them before making a decision? 7 A. Well, it would -- in practice, it would 8 depend on the urgency. So we meet monthly and talk 9 about the business, make decisions related to the 10 business, prioritize resource where necessary. But 11 if an issue came up, I might actually consult 12 somebody outside the operating committee, like Beth 13 Quarles who is in legal or John Riley, who's in 14 supply chain. 15 Q. Would you do that for each decision? 16 A. It would depend on the significance of 17 it. If it's pricing, we'll make it in our 18 commercial steering team. And we'll make -- we 19 have that -- we meet weekly via telephone. So it 20 depends on the type of decision, the magnitude, the 21 impact in terms of its breadth. But anything 22 related to running the business, you have to be 23 able to respond in a timely way to manage the 24 customer partnership. 25 MR. TILLERY: Okay. No further questions.</p>	<p>1 WITNESS' CERTIFICATE 2 3 I, VERNON RICHARD HAWKINS, do hereby 4 certify that I have read and understand the 5 foregoing transcript and believe it to be true, 6 accurate, and complete transcript of my testimony, 7 subject to the attached list of changes, if any. 8 9 10 11 VERNON RICHARD HAWKINS 12 13 14 This deposition was signed in my presence by 15 _____, on the _____ day of 16 _____, 2010. 17 18 19 NOTARY PUBLIC 20 My commission expires: 21 22 23 24 25</p>

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1 (Page 1 of 2)	1 STATE OF NORTH CAROLINA
2	2 COUNTY OF MECKLENBURG
3 ERRATA SHEET	3
4 RE: City of Greenville, Illinois, et al.	4 REPORTER'S CERTIFICATE
5 vs. Syngenta Crop Protection, Inc., et al.	5 I, V. Dario Stanziola, a Notary Public in
6 DEPOSITION OF: Vernon Richard Hawkins	6 and for the State of North Carolina, do hereby
7 Please read this transcript with care,	7 certify that there came before me on Tuesday,
8 and if you find any corrections or changes you wish	8 November 9, 2010, the person hereinbefore named,
9 made, list them by page and line number below. DO	9 who was by me duly sworn to testify to the truth
10 NOT WRITE IN THE TRANSCRIPT ITSELF. Return the	10 and nothing but the truth of his knowledge
11 Certificate and Errata Sheet to this office after	11 concerning the matters in controversy in this
12 it is signed. We would appreciate your prompt	12 cause; that the witness was thereupon examined
13 attention to this matter	13 under oath, the examination reduced to typewriting
14 To assist you in making such corrections,	14 under my direction, and the deposition is a true
15 please use the form below. If supplemental or	15 record of the testimony given by the witness.
16 additional pages are necessary, please furnish same	16 I further certify that I am neither
17 and attach them to this errata sheet.	17 attorney or counsel for, nor related to or employed
18 Page: Line: should read:	18 by, any attorney or counsel employed by the parties
19 Page: Line: should read:	19 hereto or financially interested in the action.
20 Page: Line: should read:	20 IN WITNESS WHEREOF, I have hereto set my
21 Page: Line: should read:	21 hand, this the 18th day of November 2010.
22 Page: Line: should read:	22
23 Page: Line: should read:	23
24 Page: Line: should read:	24 V. DARIO STANZIOLA, CSR, RPR, CRR
25 Page: Line: should read:	25 Notary Public No. 20011200120
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